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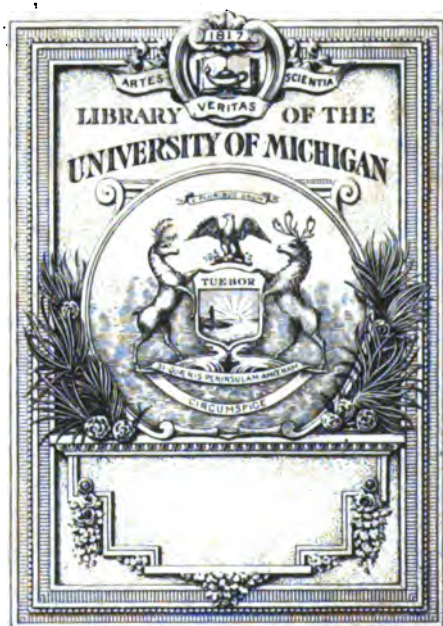
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JOURNAL
OF THE
ASSEMBLY

OF THE
STATE OF NEW YORK

AT THEIR
ONE HUNDRED AND THIRTY-SIXTH SESSION

BEGUN AND HELD AT THE CAPITOL IN THE CITY OF ALBANY
ON WEDNESDAY, THE FIRST DAY OF JANUARY, 1913

VOLUME IV



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APPENDIX I.

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[ASSEMBLY JOURNAL.] 454

APPENDIX.

(No. 1.)

SPEAKER'S APPOINTMENTS.

Mr. Speaker announced the following appointments for the session of 1913:

Speaker's clerk.— Patrick J. Hogan.

Assistant doorkeepers.— John Nicedemi, Columbus C. Pontius, John Rafferty, Francis Waters, William B. Wharton, Henry A. Tone, William J. Doran, Chas. Schwartz, John H. Nash, William R. Goldbas, John A. Carroll.

Janitor.— William Mosely.

Assistant janitors.— Joseph Brown, Burgess Holland, Silas Brown, John B. Syphax.

Postmaster.— Frederick Schmid.

Assistant Postmaster.— Tiffany W. Nevill.

Ways and means committee clerk.— Francis X. Disney.

Judiciary committee clerk.— Timothy Shea.

Codes committee clerk.— Leonard Wilson.

Railroads committee clerk.— Adolph Ehret.

General laws committee clerk.— George E. Heath.

Committee clerks.— Seymour Merritt, Edmund Fitzpatrick, Cooney Grover, Lynn Gale, J. C. F. Welch, Edward A. Bourne Jr., Harry Petlitz, Patrick Sullivan, Julius Oberloskamp, F. La Mont Peirce, George R. Kerr, Anthony Waas, Owen W. Patten, Joseph Gordon, John W. Ellis, Jacob Wahlstedter, Edward C. Gibbs, Virgil A. McMann, Thomas F. McGrath, Richard Doney, Thomas Duffy, Henry O'Rourke, William Lieber, Harry E. Smith, Willis Brewer, Frank X. White, Leon L. Hough, James S. Sweeney.

General clerks.— Martin Eisenmengn, Ralph F. Savage, J. E. Robinson, Jerry J. Sullivan, Charles F. Boughton, Corbin C.

Hornbeck, Thomas A. Broderick, Peter H. Cassidy, Charles B. Little, James A. Manning.

Speaker's stenographer.— John Morris, Jr.

Ways and means stenographer.— Gertrude Reidy.

Cities Stenographer.— Stasia G. Delury.

Judiciary stenographer.— Thomas S. Scott.

Codes stenographer.— Bernard McGrane.

Railroad Stenographer.— Stephen J. O'Grady

Gen. laws stenographer.— Mortimer Keough.

Journal clerk's stenographer.— Raymond Blake.

Index clerk's stenographer.— John Sellman.

Minority leader's stenographer.— Edward N. Van Cott.

Postoffice messenger.— Thomas Gordon.

Ways and means messenger.— Thomas F. McGowan.

Cities committee messenger.— Robt. Fitzmaurice.

Messengers.— Michael Haym, Martin Rowan, William Hummel, William Gilday, Fred Bestle, Pat Broderick, William J. Foley, Frank D. Kelly, Charles J. Doran, Harry White.

(No. 2.)

CLERK'S APPOINTMENTS.

The Clerk announced the following appointments for the session of 1913:

Assistant clerk.— Joseph P. Zenger.

Journal clerk.— William K. Mansfield.

First assistant journal clerk.— John E. Stoddard.

Second assistant journal clerk.— Peter O'Neil.

Chief, engrossed bills.— Joseph Grady.

Chief, revision committee.— Edward S. Moore.

Index clerk.— John A. Pachler.

First assistant index clerk.— William Collins.

Second assistant index clerk.— Thomas McCrady.

Financial clerk.— Edward B. Fowler.

Assistant financial clerk.— Frank A. Dugro.

Deputy clerks.— John Ryan, Peter M. Oldner, Charles F. Bigler, Louis Cohen, John J. Kenny, Frank Grady, Philip Roth, Anthony Dropik.

Assistant clerk, engrossed bills.— Edward F. Bailey.

Librarian.— Mortimer Kelly.

Assistant librarian.— Antonio M. Creadi.

Clerk's stenographer.— Don Holbrook.

General stenographers.— Kitty Keough, Sara T. Jackson, Mary C. Quinby, Rose McAllister, Gracia L. Patrie, Rena E. Collins, Marie Burgess, Henry Mangan, Helen M. Lucy, Josephine Cox.

Superintendent wrapping department.— John Goodrich.

Assistant superintendents wrapping department.— Harry Savage, Lewis W. Maul, James E. Flanagan, John B. Williams.

Superintendent of documents.— C. D. Ferguson.

Assistant superintendents of documents.— Thomas Fallon, Andrew McGowan, William Downes, Burtram Hobbs.

Tally clerk.— Stephen F. Hogan.

Mail and document carrier.— George Nickerson.

Clerk's messenger.— John McKegney.

Financial clerk's messenger.— A. M. Gaffney.

Minority leader's messenger.— James H. Millard.

Messengers.— John Corcoran, Felix P. Carroll, William R. Hartigan, Hugh Garrity, Charles Diamond, James Callahan, Thomas Flannery, Michael Garn, Michael Rozewaski, Thomas O'Connell, Henry Van Lear, Frank D. Kelly, James Quinn, James Hebrén, Jr., Francis Donnelly, Abraham Saddlemire, John J. Johnson, Benjamin Moses.

Chief messenger.— Vivany Moore.

Pages.— Daniel Fleming, Wesley Ostrander, Chas. Galaise, Reuben Lazarus, Paul Lewin, Harry Ives, Oliver R. Clapp, George S. Sherwood, Joseph Wise, Frank McGouldrick, William F. Flynn, Daniel J. Casey, John P. Ogden, Benson Lang, Joseph Gallagher, Albert S. Nussbaum, John Hughes, Joseph Cassidy, Peter Grant, Thomas J. Maloney, Frank Fealy, Walter J. Burke, Stephen J. Brennan, John Merrigan, Henry Sullivan.

(No. 3.)

REPORT OF THE COMMITTEE APPOINTED TO REPORT ON PROPOSED CELEBRATION OF CENTENARY OF BATTLE OF PLATTSBURGH.

MARCH 12, 1913.

To the Legislature:

We, the undersigned, were appointed a committee pursuant to a resolution of the Legislature of 1912 to report on the Proposed Centenary Celebration of the Battle of Plattsburgh on land and lake fought in September, 1814.

We have examined the historical facts and examined the locality and submit herewith our report.

Historical Importance of the Champlain Campaign of 1814.

The importance of Northern New York in the history of this country has been proven in three great wars. In the French and Indian War, this region was the scene of the great struggles which determined whether France or Great Britain should dominate this continent, and the battles around Lake George and Lake Champlain paved the way for the final heroic encounter between Montcalm and Wolfe at the heights of Quebec. Later, during the War of the Revolution these same places witnessed Ethan Allen's brilliant surprise of Fort Ticonderoga, and the stubborn naval battle on Lake Champlain which did so much to delay the invading army of Burgoyne and to give the colonies an opportunity to rally. And, finally, the War of 1812-1815 demonstrated again that in these valleys lay the greatest dangers from invasion, and at the same time the scenes of some of the most splendid successes of our history.

As in the Revolution, the British commanders well understood that to split the American nation in two by the shortest and most natural route — leading from Montreal along the banks of the Richelieu river to Lake Champlain, and thence straight south through Lake George and the waters of the Hudson river to New York, — would strike a well nigh fatal blow to the American cause.

In 1812, the opening year of the war, the attempted invasion of Canada along the Niagara frontier turned all the attention of the British to defense, and although General Dearborn established a small American force at Plattsburgh, a few skirmishes only occurred along the line of Northern New York before winter set in.

During the second year of the war also, no important engagement took place in the Lake Champlain district. Both forces saw the necessity of gaining control of the lake and great efforts were put forth to establish fleets. Two small American ships were cut off in the Richelieu river and captured, and the British also made successful raids on Plattsburgh and Burlington. On land unsuccessful attempts were made by the American forces under Wade Hampton and Wilkinson to advance on Montreal.

The opening of the year 1814 marked great activity on both sides. In February General Wilkinson again advanced from Plattsburgh into Canada, but again was repulsed. During the winter both Captain Pring, the British Naval Commander on Lake Champlain, and Lieutenant Macdonough, the American, had been active in building more ships. In this race Pring had the advantage, and in the spring was able to sail up the lake with comparative impunity.

In the summer, Sir George Prevost, Governor-General of the Canadas, determined to lead an expedition of picked troops down the west side of Lake Champlain. "The army was the finest and strongest body of men that any British general had hitherto commanded in Canada during the war. They numbered from 10,000 to 11,000 men, most of them seasoned by years of fighting under Wellington."*

Little opposition seemed possible. General Macomb had been left in command of 1,500 American regulars, and to those he hurriedly gathered about 2,000 militia from New York and Vermont. Abandoning all advanced lines, he concentrated his forces at Plattsburgh, on the southerly side of the Saranac river, at the point where it empties into the lake.

The position thus occupied by the American troops embraced the peninsula between the lake and the river, overlooking Platts-

* Lucas, "*Canadian War of 1812*," p. 199, Oxford, 1906.

burgh. Across the river Sir George Prevost's forces were busy from September 7th to the 11th with skirmishes at the bridges and fords, and with preparations for an assault. General Macomb meanwhile strengthened his fortifications and Lieutenant Macdonough brought his squadron to anchor across the mouth of the harbor and out of effective range of the British short artillery. The scene of battle was set and awaited only the coming of the British fleet.

On the morning of September 11, 1814, Lieutenant Macdonough saw the British fleet under Captain Downie appear around Cumberland Head. As they approached, the wind began to fail and the British flagship *Confiance* was forced to anchor about five hundred yards from Macdonough's *Saratoga*. The other ships came into action about the same time and an extremely hot fire commenced at short range. It is unnecessary here to go into the details of the battle. By skillful tactics the American commanders were able to bring fresh guns to bear upon the enemy, but it was not until two hours and twenty minutes had elapsed before the British surrendered. With the exception of a few rowgalleys all the enemies' vessels fell into our hands.

On land Sir George Prevost made both a frontal and turning attack on the American forces of General Macomb. The British regulars attempted by artillery and rifle fire, and by successive advances at the bridges which cross the Saranac river near its mouth, to drive the Americans from their works.

Each attempt was repulsed. A large force of the enemy at the same time attempted to turn the American position by crossing the river at a point some three miles further up stream. They succeeded in effecting a crossing but were met in the woods by militia and American regulars. By this time news of the defeat of the British fleet had come to Sir George Prevost and he ordered a retreat all along the line. This was succeeded by his retirement with the whole army to Canada.

Thus the attempted invasion by the British was turned into a disastrous defeat. Historians generally have assigned to the Battle of Plattsburgh a high place in the history of the war. Admiral Mahan, in his *Seapower in Its Relation to the War of*

1812, says: "The Battle of Lake Champlain more than any other incident of the War of 1812 merits the epithet 'decisive' * * * The war was practically ended by Prevost's retreat."

Theodore Roosevelt, in *The Naval War of 1812*, says: "Macdonough in this battle won a higher fame than any other commander of the war, British or American. He had a decidedly superior force to contend against * * * and it was solely owing to his foresight and resources that we won the victory. * * * Down to the time of the Civil War he is the great figure in our naval history. * * * One of the greatest of our sea captains, he has left a stainless name behind him."

In the same way the defense made by General Macomb against a vastly superior force has received general recognition.

The Centenary Celebration.

We have carefully gone over the localities interested in celebrating the centenary of the battle and we believe that a fitting celebration should be held at Plattsburgh on September 11, 1914.

The local authorities, not only of the city of Plattsburgh but of other places in Northern New York, have expressed their desire to co-operate in every way possible to make such celebration successful.

Many American and British officers who fell in the battle have been interred in the cemetery at Plattsburgh. Their graves are now marked by simple stones. We believe that the State should undertake to place around the plot where they are buried a suitable railing and to mark the spot more distinctly.

Others who fell in the battle were interred on Crab Island in Plattsburgh bay. A simple monument already marks their resting place, but we believe that the approaches to this monument and the grounds about it should be laid out in a more suitable manner.

Various suggestions have been made as to a permanent monument of commemoration. Among these suggestions are the creation of the park at the mouth of the Saranac river close to the Champlain monument recently erected by the State; a monument to be erected in the grounds of the United States Military Reserva-

tion to the south of the city and overlooking the lake on the site of the American fortifications in 1814; and a memorial bridge across the Saranac river near its entrance into the lake and on the main highway between New York and Montreal.

We believe that the choice of the memorial should be left to the good judgment of a commission hereafter to be constituted.

It seems highly probable that various organizations will co-operate in the celebration to be held in September, 1914, and the citizens of Plattsburgh and vicinity have evinced their desire to make the celebration successful.

We therefore suggest that not more than 10 per cent of any money appropriated by the State be used for the anniversary exercises.

Recommendations.

We therefore recommend:

First.—That a commission of prominent citizens be constituted to have charge of the proper commemoration of the Battle of Plattsburgh and of the century of peace.

Second.—That the Legislature appropriate the sum of \$150,000, to be expended by such commission, as follows:

(a) To mark in fitting manner the resting places of those Americans who fell in the Battle of Plattsburgh, both on land and lake.

(b) To erect at Plattsburgh a suitable and permanent memorial in celebration of the battle on land and lake fought in 1814.

(c) To arrange for the observance of the anniversary in 1914 by fitting exercises; provided, however, that not over 10 per cent. of the appropriation by the State should be expended for this purpose.

Respectfully submitted.

FRANKLIN D. ROOSEVELT.

Chairman,

JAMES A. EMERSON,
C. J. VERT,
S. G. PRIME, 2d.

(No. 4.)

AN ACT to amend the real property law, in relation to registering the titles to real property.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three hundred and seventy of article twelve of chapter fifty-two of the laws of nineteen hundred and nine, entitled "An act relating to real property, constituting chapter fifty of the consolidated laws," as amended by chapter six hundred and twenty-seven of the laws of nineteen hundred and ten, is hereby amended to read as follows:

§ 370. Real property, or any estate, interest, or right therein, the title to which is hereby authorized to be registered, may be brought under the operation of this article by the filing of a complaint, verified as prescribed by the code of civil procedure and praying for registration, with the clerk of the county in which the land, or some portion thereof, is situated. The application may be so made in person by the owner or owners of such property estate, interest, or right, or by an attorney at law duly authorized so to do. A corporation may also apply by its duly authorized officer or agent. An infant or other person under disability may apply by his legally appointed guardian or trustee, or committee. The natural person or corporation, in whose behalf the complaint is filed may be known, and is treated in this article, as the applicant, or plaintiff. The complaint so filed may be known, and is treated in this article, as the application. *It shall be the duty of all executors and administrators, appointed after the adoption of this act and trustees holding title or power of sale under will admitted to probate after that date to apply within six months after their appointment, to have registered the titles to all non-registered estates and interests in land situated in the state of New York, which the several decedents they represent might have registered in their lifetime in their own right. Such application shall set forth the names and addresses of the persons entitled to the estate or interest sought to be registered, and any such person not joining in the application shall be made a defendant. The court,*

in its final decree in addition to what is provided in the subsequent sections of this act, shall determine the several titles and interests of the persons claiming under the decedent, and declare the same and decree in whom registration shall be made. Land so registered shall be subject to be sold for the debts of the estate of the decedent, as now provided by law.

§ 2. Section three hundred and eighty-five of article twelve of chapter fifty-two of the laws of nineteen hundred and nine, entitled "An act relating to real property, constituting chapter fifty of the consolidated laws," as amended by chapter six hundred and twenty-seven of the laws of nineteen hundred and ten, is hereby amended to read as follows:

§ 385. On the complaint and all the other papers and documents filed in the making of the application for registration, the court shall determine whether or not the plaintiff appears to have a title that should be registered. For the purpose of arriving at such determination, the court may require a further examination of the title, to be made by the same examiner who has made the certificate or by another official examiner, and it may also require a further or amended survey, or certificate, or additional affidavits, or any other proper evidence or proof. In all proceedings subsequent to the determination by the court that the plaintiff appears to have a title that should be registered, the allegations and statements of the examiner's certificate of title, and of his abstract, and searches, and in the survey, shall be prima facie and presumptive evidence of the facts so alleged and stated, and if any defendant controverts any allegation or statement contained in said certificate of title, abstract, or searches, or survey, the facts controverting such allegation or statement must be specifically pleaded and set forth, and except as in this section otherwise provided must be established affirmatively by the defendant pleading or setting forth the same. The court may require, at any time, any amendment or modification of said official examiner's certificate, or any further or amended survey or certificate, or any additional evidence or proof that may be necessary or proper. All the allegations and statements in said certificate, abstract, searches and survey shall be taken and construed as statements of facts, unless they are expressly declared therein to be conclusions or opinions.

Where a party has controverted in his pleading specifically an allegation or statement contained in said certificate of title, abstract, searches or survey, any party who has appeared in person or by attorney or counsel at the trial may require that the ordinary rules of evidence and proof, unaffected by this section, shall apply to the matters so controverted, *provided that said party prior to such requirement shall have established affirmatively by the ordinary rules of evidence and proof such right or interest claimed by him in the property sought to be registered.*

When the court is satisfied that the plaintiff appears to have a title that should be registered, it shall make an order directing that the action to register such title be commenced by the issuance of the summons, and the service of the summons and the notice required by section three hundred and eighty-six of this chapter. The summons shall be made and have the form, and it and said notice shall be served in the manner prescribed by the code of civil procedure for a summons in an action in the supreme court; except that, when service is directed to be made by publication, it shall be ordered to be made in only one newspaper designated by the court once a week for four successive weeks, and such service so made shall be complete at the end of twenty-eight days from and including the day of the first publication; and except further that any defendants on whom personal service is made without the state, pursuant to such an order, shall appear, answer, demur within twenty-eight days after such personal service; and except further that an order for service of the summons and said notice shall be a court order, and the summons served pursuant thereto need not be accompanied by any notice except that prescribed and required by section three hundred and eighty-six of this chapter; and except further as otherwise provided herein. Before making an order for service of the summons and said notice by publication or other form of substituted service, the court must be satisfied by proof of the facts that the plaintiff has been or will be unable, with due diligence, to make personal service of the summons. The question of the sufficiency of such proof shall be for the court; and an allegation, in an affidavit or other duly verified statement recited in said order, that the plaintiff has been or will be unable with due diligence to make

personal service of the summons, or that after diligent inquiry a defendant remains unknown to the plaintiff or that the plaintiff is unable to ascertain whether the defendant is or is not a resident of the state may be taken to be sufficient proof thereof. An order containing such a recital, and made on such proof shall not be drawn in question after six months from the time when the final judgment in the action is entered. Service of the summons and said notice on the people of the state of New York shall be sufficiently made, by mailing a copy thereof together with a copy of the complaint (but not of the official examiner's certificate of title or abstract or other papers filed with the complaint and application) securely inclosed in a postpaid wrapper, and directed to the attorney-general of the state of New York. The attorney-general may require the service also of a copy of the official examiner's certificate of title and of the abstract of title. Upon and after the issuance of the summons, the court's jurisdiction shall be made as in an action in the supreme court in which no order for the commencement of the action is required; and the action shall be governed by, and shall proceed according to, the laws of this state and the rules of court, relative to such an action, as far as the same are not expressly abrogated or modified by this article.

§ 3. Section three hundred and ninety-nine of article twelve of chapter fifty-two of the laws of nineteen hundred and nine, entitled "An act relating to real property constituting chapter fifty of the consolidated laws," as amended by chapter six hundred and twenty-seven of the laws of nineteen hundred and ten, is hereby amended to read as follows:

§ 399. The registration certificate of the title, and any copy thereof duly certified under the hand and seal of the registrar and the owner's duplicate certificate, until the expiration of the time herein limited to bring an action or proceeding to set aside the judgment of registration, shall be received in evidence in all the courts of the state, and in all courts and places shall be prima facie evidence that the provisions of law up to the time of issue of such certificate or duplicate, or of the time of entry of the last memorial thereon, have been complied with, and that such certificate of title has been issued in compliance with a valid judgment, and that the title to the property is as therein stated;

and after the expiration of such time limited for bringing said proceedings to set aside said judgment, such certificate or copy, up to the time of its issue, shall be so received in evidence in all courts of the state, and shall be conclusive evidence of the same facts. Every memorial or notation or cancellation thereof made on any certificate or duplicate or copy thereof shall be signed by the registrar or his deputy or his duly authorized deputy or clerk. *The final judgment and decree of registration vesting a fee simple absolute in the plaintiff or in any person claiming with, by or through such plaintiff, shall be conclusive evidence that the title to said real property is good and marketable, and said judgment and decree of registration shall be binding not only upon subsequent grantees, but also upon all persons or corporations making mortgage loans upon real property, and upon all corporations organized and incorporated for the purpose of searching titles to real property and issuing their policies of guaranty or insurance thereon. It shall be the duty of the attorney-general of the state of New York to take proceedings in behalf of and in the name of the people of the state of New York, to procure the forfeiture of the charter of any corporation violating the provisions of this act, and in addition thereto to collect the sum of one thousand dollars for each and every such violation, and the party so aggrieved may in addition thereto maintain an action to recover such damages as he may have sustained or will sustain by reason of such violation.*

§ 4. This act shall take effect immediately.

(No. 5.)

AN ACT to amend the agricultural law, in relation to the sale of farm produce on commission.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter nine of the laws of nineteen hundred and nine, entitled, "An act in relation to agriculture, constituting chapter one of the consolidated laws," is hereby amended by in-

serting therein a new article, to be article twelve-a thereof, to read as follows:

ARTICLE 12-A.

SALE OF FARM PRODUCE ON COMMISSION.

Section 282. Definitions.

- 283. Sale of farm produce on commission; license therefor.
- 284. Bond.
- 285. Power of commissioner to investigate.
- 286. Granting and revoking licenses.
- 287. Certiorari to review.
- 288. Report of sale to consignor.
- 289. Offenses.

§ 282. Definitions as used in this article. 1. The term commission merchant shall include every person, firm, exchange, association and corporation licensed under this article to receive, sell or offer for sale on commission within this state any kind of farm produce; except where such farm produce is sold for consumption and not for resale. This article shall not apply to the sale of farm produce at public auction by a duly licensed and bonded auctioneer, acting as the agent of another to whom such farm produce shall have been consigned; nor shall this article apply to seeds sold at retail.

2. The term farm produce shall include all agricultural, horticultural, vegetable and fruit products of the soil, and meats, poultry, eggs, dairy products, nuts and honey, but shall not include timber products, tea, or coffee.

§ 283. Sale of farm produce on commission; license therefor. On and after August first, nineteen hundred and thirteen, no person, firm, exchange, association or corporation, shall receive, sell or offer for sale on commission within this state any kind of farm produce, without a license as provided in this article. Every person, firm, exchange, association and corporation in this state receiving farm produce for sale on commission shall, annually on or before June first, file an application with the commissioner of agriculture for a license to do a commission business in farm

produce. Such applicant shall state the kind or kinds of farm produce which the applicant proposes to handle, the full name of the person or corporation applying for such a license and if the applicant be a firm, exchange, corporation or association, the full name of each member of the firm, or the name of the officers of the exchange, association or corporation, and the name of the local agent of the exchange or association and the city, town or village and street number at which the business is to be conducted. Such applicant shall further satisfy the commissioner of agriculture of his or its character, responsibility and good faith in seeking to carry on a commission business. The commissioner of agriculture shall thereupon issue to such applicant, on payment of ten dollars and the execution and delivery of a bond as hereinafter provided, a license entitling the applicant to conduct the business of receiving and selling farm produce on commission at the place named in the application until the first day of July next following.

§ 284. Bond. Before any such license shall be issued every applicant shall execute and deliver to the commissioner of agriculture a fidelity bond with satisfactory sureties in the sum of three thousand dollars to secure the faithful performance of his duties as the agent of the consignor shipping such farm produce to such licensee for sale on commission; and the commissioner of agriculture may bring an action in any court of competent jurisdiction in the county in which is situated the place of business of the licensee, for the forfeiture of such bond to the state, in any case where the license granted in accordance with section two hundred and eighty-three hereof shall have been revoked for any or all of the causes specified in section two hundred and eighty-six hereof.

§ 285. Power of the commissioner of agriculture to investigate. The commissioner of agriculture or his assistants shall have power to investigate, upon the verified complaint of an interested person, the record of any person, firm, exchange, corporation or association applying for a license, or any transaction involving the solicitation, receipt, sale or attempted sale of farm produce on a commission basis, the failure to make proper and true accounts and settlements at prompt and regular intervals, the making of false statements as to condition,

quality or quantity of goods received or while in storage, the making of false statements as to market conditions, with intent to deceive, or the failure to make payment for goods received or other alleged injurious transactions; and for such purpose may examine at the place of business of the licensee, that portion of the ledgers, books of account, memoranda or other documents, relating to the transactions involved, of any commission merchant, and may take testimony therein under oath. When a consignor of farm produce fails to obtain satisfactory settlement in any transaction, after having notified the consignee, a certified complaint may be filed, at the expiration of ten days after such notification, with the commissioner of agriculture. The commissioner of agriculture shall attempt to secure an explanation or adjustment, failing this within seven days he shall cause a copy thereof, together with a notice of a time and place for hearing on such complaint, to be served personally, or by mail, upon such commission merchant. Such service shall be made at least seven days before the hearing, which shall be held in the city, village or township in which is situated the place of business of the licensee. At the time and place appointed for such hearing, the commissioner or his assistants shall hear the parties to such complaint, shall have power to administer an oath, and shall enter in the office of the commissioner of agriculture at Albany a decision either dismissing such complaint or specifying the facts which he deems established on such hearing.

§ 286. Granting and revoking licenses. The commissioner of agriculture may decline to grant a license or may revoke a license already granted where he is satisfied of the existence of the following cases or any of them: 1. Where a money judgment has been entered against such commission merchant and upon which execution has been returned unsatisfied.

2. Where false charges have been imposed for handling or services rendered.

3. Where there has been a failure to account promptly and properly or to make settlements with intent to defraud.

4. Where there have been false statements as to condition, quality or quantity of goods received or held for sale on commission when the same might be known on reasonable inspection.

5. Where there have been false or misleading statement or statements as to market conditions with intent to deceive.

6. Where there has been a combination or combinations to fix prices.

7. Where the commission merchant directly or indirectly purchases the goods for his own account without prior authority therefor or without notifying the consignor thereof.

§ 287. Certiorari to review. The action of the commissioner of agriculture in refusing to grant a license, or in revoking a license granted under this article, shall be subject to review by a writ of certiorari, and if such proceedings are begun, until the final determination of the proceedings and all appeals therefrom, the license of such commission merchant shall be deemed to be in full force and effect, provided the fee for such license shall have been paid and a bond given as herein required.

§ 288. Report of sale to consignor. Every commission merchant shall, upon the receipt of farm produce and as he handles and disposes of the same, make a record thereof, specifying the name and address of the consignor, the date of receipt, the kind and the quantity of such produce, the amount of goods sold, the selling price thereof and the items of expense connected therewith, and this record together with payment in settlement for said shipment shall be mailed to the consignor within forty-eight hours unless otherwise agreed.

§ 289. Offenses. Any person, firm, exchange, association or corporation who shall receive or offer to receive, sell or offer to sell on commission within this state any kind of farm produce without a license except as in this chapter permitted and any person who being a commission merchant in farm produce shall (a) impose false charges for handling or services in connection with farm produce, or (b) fails to account for such farm produce, promptly and properly and to make settlements therefor with intent to defraud, or (c) shall make false or misleading statement or statements as to market conditions with intent to deceive, or (d) enter into any combination or combinations to fix prices, or (e) directly or indirectly purchases for his or its own account, goods received by him upon consignment without prior authority therefor from the consignor or shall fail to promptly notify the

consignor of such purchase on his own account, or (f) any person handling, shipping or selling farm produce who shall make false statements as to grade, condition, markings, quality or quantity of goods shipped, received or held for sale on commission, or packed in any manner, with intent to deceive, shall be guilty of a misdemeanor.

§ 2. This act shall take effect immediately.

(No. 6.)

AN ACT to provide for a monument in the city of New York to commemorate the events of the soldiers of the sixty-third, sixty-ninth, and eighty-eighth regiments, New York volunteer infantry, Meagher's Irish Brigade, one hundred and fifty-fifth, one hundred and sixty-fourth, one hundred and seventieth and one hundred and eighty-second regiments, New York Volunteer Infantry, Corcoran's Irish Legion, which served in the war of the rebellion of eighteen hundred and sixty-one to eighteen hundred and sixty-five.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Lieutenant-Colonel James J. Smith, Captain John R. Nugent and Captain John O'Connell, sixty-ninth volunteer infantry, Major John Dwyer, sergeant, sixty-ninth national guard artillery, Captain John Dwyer, sixth-third New York volunteer infantry, Sergeant L. Buckley, eighty-eighth New York volunteer infantry, Colonel Edward M. Knox, Hogan's second battery New York light artillery, and Captain John Mitchell, one hundred and seventieth New York volunteer infantry, surviving soldiers of the Irish Brigade, Brigadier General Edward Duffy, sixty-ninth infantry national guard, retired, Captain John J. Kennedy, sixty-ninth New York volunteers, Colonel Louis D. Connolly, Lieutenant-Colonel Charles Healy, Captain John P. Everett, sixty-fifth infantry national guard, Sergeant John T. Nagle, U. S. A., Lieutenant-Colonel Percival E. Nagle, assistant adjutant-general state of New York, honorable Edward E. McCall and John D. Crimmins, esquires, of New York city, are

hereby appointed a commission, without compensation, for the purpose and with the powers and duties hereinafter specified.

§ 2. The commissioners appointed pursuant to section one of this act are hereby authorized and directed to erect a monument in the city of New York to commemorate the distinguished services and sacrifices of the soldiers of Meagher's Irish Brigade and Cochrane's Irish Legion in the war of the Union, upon a site which shall be selected and designated by said commissioners and approved by the proper officials of the city of New York.

§ 3. The said commissioners shall have full control in every respect of the design and erection of said monument, except that said monument shall bear upon some conspicuous part thereof the coat of arms of the state of New York, and also so far as practicable a statement of the battles the brigade and legion were engaged in, and the losses sustained in battle of the killed, wounded and missing of the sixty-third, sixty-ninth, eighty-eighth, one hundred and fifty-fifth, one hundred and sixty-fourth, one hundred and seventieth and one hundred and eighty-second New York volunteer infantry regiments. The said commissioners are hereby directed to organize by electing a chairman, vice chairman, secretaries and treasurer. In case of the death or resignation of any of the commissioners, the members of the commission shall have full power to fill vacancies. Said commissioners are authorized to receive gifts and donations and collect subscriptions for the purpose of this act.

§ 4. This act shall take effect immediately.

(No. 7.)

AN ACT to amend chapter one hundred and six of the laws of eighteen hundred and ninety-one, entitled "An act to revise, consolidate and amend the several acts relating to the village of Mechanicville, and to repeal certain acts," in relation to the compensation of president and trustees.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Title three of chapter one hundred and six of the laws of eighteen hundred and ninety-one, entitled "An act to

Upon the petition of twenty-five electors, qualified to vote upon the propositions above enumerated, filed with the village clerk, acknowledged by each subscriber before a notary public or other officer qualified to take oaths or acknowledgements, at least ten days before any annual village election, there shall be submitted thereat in like manner the question: "Shall the action of the electors and taxpayers heretofore taken granting a salary to the mayor and trustees be rescinded?" Or the question may be confined to the president alone or to the trustees, as the case may be, and the form thereof changed accordingly.

If a majority of the votes cast upon any such question are in the affirmative, no such salary shall be thereafter granted until a subsequent submission and adoption of the propositions relating to the granting of such salaries. At least two years shall elapse between the submission of any question or questions under the provisions of this section.

§ 2. This act shall take effect immediately.

(No. 8.)

AN ACT to amend the county law, in relation to conferring on attorneys and counsellors at law the powers of notaries public.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter sixteen of the laws of nineteen hundred and nine, entitled "An act in relation to counties, constituting chapter eleven of the consolidated laws," is hereby amended by adding thereto, at the end of article fifteen thereof, a new section, to be section two hundred and fifty-one, to read as follows:

§ 251. Attorneys and counsellors at law to have powers of notaries public. Every attorney and counsellor at law duly admitted to practice in the supreme court is hereby vested with all of the official powers and duties which are now or may hereafter be vested in notaries public under the laws of this state and every official act done and performed by attorneys and counsellors at law hereunder shall have the same force and effect as though done and performed directly by a notary

public. All penal acts applicable to notaries public are hereby extended to attorneys and counsellors at law when engaged in performance of the duties and exercise of notarial powers hereby conferred upon them. Attorneys and counsellors at law shall be entitled to charge, receive and collect the same fees and emoluments for the performance of notarial duties as are fixed by law for the same services when rendered and performed by notaries public. Each attorney and counsellor at law *may* have an official seal having inscribed thereon his name and title and the words "Notarial seal" and the same may be affixed to any certificate or instrument with the same effect as though the same were the official seal of a notary public, and shall be entitled to the same credit in the courts of this state. The clerks of each county shall certify to the qualifications of any attorney and counsellor at law *residing or having filed* within his county *the affidavits hereinafter specified* and to his official acts and seal in the same manner and with the same effect as though such attorney and counsellor at law were a notary public, *and* it shall be the duty of each resident attorney and counsellor at law to file with the county clerk of the county wherein he resides *or has his office* an affidavit *subscribed by him with his true signature* setting forth therein his office and home address, giving the street and number, *if any*, or other sufficient description for identification *before* the official notarial powers herein vested in attorneys and counsellors at law *shall* be exercised within any county where filed. Each county clerk shall be entitled to a fee of one dollar for filing the affidavit herein specified.

§ 2. This act shall take effect immediately.

(No. 9.)

AN ACT to amend the Greater New York charter, in relation to receiving bids for the college of the city of New York.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eleven hundred and twenty-eight of the Greater New York charter, as ~~re-enacted~~ by chapter four hun-

dred and sixty-six of the laws of nineteen hundred and one, is hereby amended to read as follows:

§ 1128. The board of trustees of said college on and after the first day of July, nineteen hundred, shall consist of nine residents of the city to be appointed as hereinafter provided, of the president of the board of education of the city *ex officio* and the president of said college *ex officio*. Provided, however, that after the president of said college now in office vacates the same, his successor shall not be a member of said board of trustees. Except as herein otherwise provided, the said board shall have and possess the powers conferred upon and be subject to the duties required of the trustees of colleges by the university law. The mayor of the city of New York shall appoint before the first day of June, nineteen hundred, nine persons to serve as such trustees, to hold office respectively as shall be designated by the mayor, for one, two, three, four, five, six, seven, eight and nine years from the first day of July, nineteen hundred. On or before the first day of June prior to the expiration of the term of office of any trustee the mayor shall appoint his successor for a full term of nine years from the first day of July following. The mayor shall fill any vacancy existing in the office of trustee — other than the president of the board of education — by the appointment of a trustee to hold office for the unexpired term. Each trustee so appointed shall take the oath of office required by the constitution of the state. Any resignation from the office of trustee shall be made to the mayor. No trustee shall be subject to removal under the provisions of section ninety-five of this act, but any trustee may be removed by the mayor upon proof either of official misconduct or negligence of official duties, or of conduct in any manner connected with his official duties or otherwise which tends to discredit his office, or the school system, or for mental or physical inability to perform his duties, but before such removal he shall receive due and timely notice in writing of the charges and a copy thereof, and shall be entitled to a hearing on like notice before the mayor, and to the assistance of counsel on said hearing. The board of trustees shall have power to pre-

scribe by-laws and regulations for the board and for the government of the college, its faculty, instructors and other employees, *and to authorize the custodian or a member of said board as they deem proper, to advertise for, receive and open any and all bids.* Such by-laws shall include rules governing the appointment of all officers, members of the faculty, instructors and other employees of the college. A majority of the members of the board appointed by the mayor as aforesaid shall constitute a quorum for the transaction of business and no resolution or act of the board shall be invalid by reason of any vacancy existing in the board, provided that such act or resolution shall be adopted by a vote of five members of the board.

§ 2. This act shall take effect immediately.

(No. 10.)

AN ACT to amend the Greater New York charter, relative to the retirement on pensions of officers, clerks, employees, mechanics and laborers of the city of New York or of the counties comprised therein.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Title one-a, comprising sections one hundred and sixty-five, one hundred and sixty-six, one hundred and sixty-seven and one hundred and sixty-eight, which was added by chapter five hundred and eighty-three of the laws of nineteen hundred and five, to chapter six of the Greater New York charter, as re-enacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one, and which was amended by chapter six hundred and sixty-nine of the laws of nineteen hundred and eleven and by chapter four hundred and seventy-nine of the laws of nineteen hundred and twelve, is hereby repealed, and, in lieu thereof, there is hereby inserted in said chapter six a new title, to be title seven thereof, to read as follows:

TITLE 7.

RETIREMENT ON PENSIONS OF OFFICERS, CLERKS, EMPLOYEES,
MECHANICS AND LABORERS.

Section 250. Jurisdiction of the board of estimate and apportionment.

251. Pensions upon retirement.

252. Forfeiture of pensions.

253. Rules and regulations; administrative staff.

§ 250. Jurisdiction of the board of estimate and apportionment. The board of estimate and apportionment shall retire, on his own application, any salaried or per diem-paid officer, clerk employee, mechanic or laborer of the city of New York, or of any county comprised therein who,

1. Having attained the age of sixty years, has served continuously thirty years, or in periods aggregating thirty years, or longer, in the employ of the city or of the county comprised therein; or,

2. Having served continuously twenty years, or in periods aggregating twenty years, or longer, in the employ of the city or of a county comprised therein, is incapacitated or inefficient for further service by reason of mental or physical disability, not the result of his own vicious habits. Provided, that any person who has served the period prescribed in any subdivision of this section, and is incapacitated or inefficient for further service, may be retired by the board, without his application or consent, upon the recommendation of the head of the department in which he is employed, after written notice and hearing upon such recommendation.

The term of service requisite for retirement or pension under any provision of this section shall not be affected by any change in title, duty or salary; nor by any promotion, vacation or leave of absence; nor by any temporary transfer; temporary disability by reason of sickness or accident or transfer from one department or office to another department or office during any period of service, nor by any change in the department in which service shall have been rendered from an office maintained by fees to a

salaried office. The acceptance of employment, during the interim between periods of service to the city or a county comprised therein, shall not affect the right to a pension under any provision of this title.

§ 251. Pensions upon retirement. A person retired pursuant to the provisions of any subdivision of the last preceding section shall be granted an annual pension by the board of estimate and apportionment, in a sum which shall be equal to one-half of the average rate of annual salary, wage or compensation of such person during the last five years of his service; provided, that the board, by the unanimous vote of its members, may retire any salaried or per diem-paid officer, clerk, employee, mechanic or laborer in the service of the city, or of any county comprised therein, irrespective of the length of his service, who shall be incapacitated for further service by reason of mental or physical disability which, in the opinion of the board, was incurred in the service and line of his duty, and a person so retired shall be granted such sum, not less than one-fourth nor exceeding one-half of his average rate of annual salary, wage or compensation during the last five years of his service, or, if he shall have served less than five years, during the period of his service, as the board shall direct. The comptroller shall pay the pensions granted pursuant to the provisions of this section and all pensions heretofore granted pursuant to the provisions of chapter five hundred and eighty-three of the laws of nineteen hundred and five, as amended by chapter six hundred and sixty-nine of the laws of nineteen hundred and eleven, and by chapter four hundred and seventy-nine of the laws of nineteen hundred and twelve, in monthly installments, during the lifetime of the persons to whom the same shall be or shall have been granted; such payments and those for the expenses of the board, incurred in administering the system of retirement on pensions established by this title, to be made out of the receipts of excise moneys or liquor taxes apportioned to the city, until the first day of January, nineteen hundred and fourteen, and, thereafter, the said payments shall be made from an annual appropriation therefor that shall be in-

cluded, as a general city charge, in the budget, for which an estimate shall be annually prepared and furnished by the comptroller, as prescribed in section two hundred and twenty-six of this chapter; provided, that no such appropriation nor any item thereof shall be subject to rejection or reduction by the board of aldermen. The comptroller shall annually, in the month of January, make a report to the board of estimate and apportionment showing, in detail, all annuities allowed and payable under the provisions of this title, and all expenditures made and expenses incurred in connection therewith during the preceding calendar year. The provisions of this section shall not apply to any person who is or may be entitled to share in any other retirement fund, relief fund or other pension fund of the city of New York, except as prescribed herein.

§ 252. Forfeiture of pensions. Any person who, subsequent to his retirement from the service under any provision of this article, shall accept any office, position or employment, to which any salary or emolument is attached, in the civil service of the state of New York, or of any county or municipal corporation thereof, except the office of inspector or clerk of elections, or other temporary office provided for in the election law of this state, and except the office of notary public and commissioner of deeds, shall during such service or employment and while receiving any salary or emolument therefor, relinquish and forfeit the pension allotted to him upon his retirement.

§ 253. Rules and regulations; administrative staff. Subject to the provisions of this article, the board of estimate and apportionment shall make all needful rules and regulations relating to the retirement upon pensions of officers, clerks, employees, mechanics and laborers of the city or of any county comprised therein. The board may employ such medical, clerical and other assistants as shall be necessary to carry out the purposes of this act.

§ 2. This act shall take effect immediately.

(No. 11.)

AN ACT to amend the code of civil procedure, in relation to the liability of the state and jurisdiction of the board of claims in respect to certain claims.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The code of civil procedure is hereby amended by inserting therein a new section, to be section two hundred and sixty-four-a, to read as follows:

§ 264-a. *Additional jurisdiction. The board of claims may hear and determine any claim for the actual, reasonable and necessary expenses incurred by any person or persons in the repair and extension of dams upon state lands; and the state hereby consents to have its liability determined. No award shall be made, however, unless it shall appear that the improvements aforesaid tended to conserve the public health of the locality in which the same were made, nor shall any such award be made except upon such legal evidence as would establish liability against an individual or a corporation in a court of law or equity.*

§ 2. This act shall take effect September first, nineteen hundred and thirteen.

(No. 12.)

AN ACT to amend chapter one hundred and forty-seven of the laws of eighteen hundred and seventy-six, entitled "An act granting to the United States the right to acquire the right of way necessary for the improvement of the Harlem river and Spuyten Duyvil creek from the North river to the East river through the Harlem kills, and ceding jurisdiction over the same," in relation to enabling the state to furnish the United States the right of way necessary for rectification of the bend in the Harlem River Ship canal, and making an appropriation therefor.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter one hundred and forty-seven of the laws of eighteen hundred and seventy-six, entitled "An act granting

to the United States the right to acquire the right of way necessary for the improvement of the Harlem river and Spuyten Duyvil creek from the North river to the East river through the Harlem kills, and ceding jurisdiction over the same," as amended by chapter three hundred and forty-five of the laws of eighteen hundred and seventy-nine, chapter sixty-five of the laws of eighteen hundred and eighty, chapter sixty-one of the laws of eighteen hundred and eighty-one and chapter two hundred and fourteen of the laws of eighteen hundred and eighty-three, is hereby amended by adding thereto four new sections, to be numbered, respectively, thirteen, fourteen, fifteen and sixteen, to read as follows:

§ 13. Whenever the United States shall authorize the cession to the state of New York of all the lands heretofore acquired by the United States in that part of the bed of the Harlem Ship canal to be eliminated up to the new bulkhead to be established by the secretary of war in the process of straightening the said canal according to the project, or a modification, approved by the state engineer, of the project adopted by congress March fourth, nineteen hundred and thirteen, then and in that event, the special examiner and appraiser of canal lands, in order to cheapen transportation and facilitate traffic to and from points on the canals and other waters of the state, may, subject to the approval of the canal board, fix and determine with the owner or owners upon a fair valuation and agree upon a price to be paid by the state and accepted in full compensation by the owner or owners of the land and land under water, with any improvements thereon, on the northerly side of the Harlem River Ship canal in the borough of the Bronx, necessary to enable the state of New York to furnish to the United States the right of way requisite for location, construction and convenient use in the rectification of the bend in the Harlem River Ship canal between the Hudson river and Broadway, conformably to and as shown on the map accompanying and filed with project, or a modification, approved by the state engineer, of project number three, recommended by the board of engineers, United States army, in compliance with the provisions of the United States river and harbor act of March three, nineteen hundred and nine, and sub-

mitted to the house of representatives February twenty-second, nineteen hundred and twelve.

§ 14. In case said special examiner and appraiser of canal lands is unable, with the approval of the canal board, to agree with the owner or owners of such land for the purchase thereof, and the United States shall have authorized the cession to the state of New York of the land to be eliminated in rectification of said canal as provided in section thirteen, the canal board may acquire by condemnation proceedings instituted and conducted by the attorney-general on behalf and in the name of the people of the state of New York, under the provisions of title one of chapter twenty-three of the code of civil procedure, title to the land and land under water, with any improvements thereon, specified and described in section thirteen.

§ 15. On the requisition of said canal board, and upon a voucher or vouchers certified by said board, or by such officer or officers thereof as it may authorize for that purpose, in form to be approved by the comptroller, the comptroller shall pay the sum or sums agreed upon by and between the special examiner and appraiser of canal lands and the owner or owners as provided in section thirteen, or the sum or sums adjudged to the owner or owners pursuant to condemnation proceedings as provided in section fourteen, as the case may be, that may be required to pay for the land specified in section thirteen hereof as necessary to enable the state of New York to furnish to the United States the right of way requisite for the rectification of the bend in the Harlem River Ship canal.

§ 16. Upon the acquisition, by purchase or by condemnation, by said canal board on behalf of and in the name of the people of the state of New York of the land and land under water, with any improvements thereon, specified and described in section thirteen hereof and compliance by the United States with the provisions of section thirteen which apply thereto, said canal board shall cede the said land and land under water to the United States as a right of way for location, construction and convenient use in the rectification of the bend in the Harlem River Ship canal between the Hudson river and Broadway, conformably to and as shown on the map accompanying and filed with project, or a modification, approved by the state engineer, of project number three,

recommended by the board of engineers, United States army, in compliance with the provisions of the United States river and harbor act of March three, nineteen hundred and nine, and submitted to the house of representatives February twentieth, nineteen hundred and twelve.

§ 2. The lands which shall be ceded to the state of New York by the United States, mentioned in section thirteen hereof, shall be sold by the state under the direction of the canal board to the person or persons who shall pay the highest price therefor, when the canal board after it has investigated as to the value of said land shall certify that the price fixed upon to be paid to the state for said land is the full value thereof. Provided, that such land shall not be sold for a less sum than the aggregate par value of the certificates of indebtedness authorized to be issued hereunder, and the proceeds of the sale of the said land shall be paid into the treasury of the state and so much thereof as may be necessary applied to the payment of the principal of such certificates of indebtedness. To temporarily provide moneys necessary to enable the state to purchase the right of way before it shall realize the moneys necessary therefor from the sale of the lands to be ceded to the state by the United States, the canal board is hereby authorized to issue, and the comptroller shall sell in the manner herein provided, certificates of indebtedness, bearing interest at a rate not exceeding six per centum per annum, payable semi-annually, to an amount not exceeding in the aggregate one million dollars, and the proceeds thereof shall be paid into the treasury of the state. Such certificates shall be sold to the highest bidder for not less than par, after advertisement, by the comptroller, if the canal board so direct, twice a week for two successive weeks in two daily papers printed in the city of New York, and shall be issued for a term of not exceeding five years from the date of their issue and shall have plainly printed on their face the condition that they may be paid before maturity at any time which the legislature may determine.

§ 3. The said cession of land and land under water to the United States as a right of way shall be made upon the express reservation to the state of New York of all the rights of said state over all bridges and tunnels now constructed or hereafter

to be constructed over or under the said Harlem river or Spuyten Duyvil creek, and upon the express condition that the state of New York shall retain concurrent jurisdiction with the United States in and over the territory covered by said improvement as to all crimes committed therein, and so far as that all civil and criminal process which may issue under the laws or authority of the state of New York may be executed therein in the same way and manner as if such cession had not been made, except so far as such process may affect the real or personal property of the United States.

§ 4. This act shall take effect immediately.

(No. 13.)

AN ACT to amend the Greater New York charter creating and defining the duties of the department of licenses and to repeal certain sections thereof.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The Greater New York charter, as re-enacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one, is hereby amended by adding thereto a new chapter to be known as chapter twelve-a, to contain new sections, to be known as sections six hundred and forty-five, six hundred and forty-six, six hundred and forty-seven, six hundred and forty-eight, six hundred and forty-nine, six hundred and fifty, six hundred and fifty-one, six hundred and fifty-two, six hundred and fifty-three, six hundred and fifty-four, six hundred and fifty-five, six hundred and fifty-six, six hundred and fifty-seven and six hundred and fifty-eight, and to read as follows:

CHAPTER XII-A.

DEPARTMENT OF LICENSES.

COMMISSIONER; DEPUTIES; EMPLOYEES; SALARIES.

§ 645. There shall be a department of licenses in the city of New York, the head of which shall be called the commissioner of

licenses, who shall be appointed by the mayor and shall hold office as provided in chapter four of this act. His salary shall be seven thousand five hundred dollars a year. The main office of the department shall be located in the borough of Manhattan and branch offices may be located in the other boroughs of the city. The commissioner shall appoint two deputies. The salary of each deputy commissioner shall be five thousand dollars a year. Subject to existing laws, the commissioner may appoint such employees as may be necessary to perform the duties devolved upon the department. Officers and employees of any department, board or office of the city, except members of the uniformed force of any department, now performing any of the functions hereby transferred to the department of licenses shall continue to hold such offices or positions and shall perform the duties thereof in like manner as if this act had not been passed, except that such officers or employees shall become, at the time this act takes effect, officers or employees of the department of licenses. Two boiler inspectors of the police department now performing duty, pursuant to section three hundred and forty-two of this act, shall be transferred to the department of licenses; but such transfer shall in no wise affect the right of such inspectors or their dependents to participate in the benefits of the police pension fund to which they have been contributors, nor relieve them from the obligation to continue to contribute thereto, in the same manner and to the same extent as if they continued in the police department.

JURISDICTION.

§ 646. The commissioner of licenses shall have cognizance and control:

1. Of the issuance, suspension and revocation of all licenses and permits now issued by the bureau of licenses in and for the city of New York attached to the mayor's office.

2. Of the issuance of all licenses under the provisions of article eleven of the general business law and under the provisions of chapter seven hundred and thirty-three of the laws of nineteen hundred and one.

3. Of the issuance of licenses to carry on the business and occupation of auctioneer.

4. Of the issuance of all licenses, permits and certificates to be issued under the provisions of this act; and the commissioner shall exercise the other functions now performed by the commissioner of licenses of the city of New York, by the chief of the bureau of licenses in and for the city of New York, attached to the mayor's office and by the president of the board of aldermen and the city clerk with respect to the licensing and revoking the licenses of auctioneers.

Except as in this chapter otherwise provided, the previous consent, approval or recommendation of any other officer, board or department of the city shall not be necessary to the issuance of a license or permit by the commissioner of licenses.

LICENSES TO AUCTIONEERS.

§ 647. The commissioner of licenses shall have authority to grant licenses to any person engaged in and carrying on the business and occupation of auctioneer, or desiring to be so engaged, on payment of the sum of one hundred dollars per annum, on such person filing a bond, approved by him, with two good sureties in the penal sum of two thousand dollars. The commissioner of licenses on complaint of any person having been defrauded by any auctioneer, or by the clerk, agent or assignee of such auctioneer, doing business in said city, is authorized and directed to take testimony under oath relating thereto; and if the charge shall, in his opinion, be sustained, he shall revoke the license granted to such auctioneer, and direct his bonds to be forfeited. No person, persons, corporation or association shall hereafter carry on the business of auctioneer in the city of New York without having first obtained from the commissioner of licenses a license authorizing such person, persons, corporation or association to carry on the business of auctioneer; and no person, corporation, or association whose license has been revoked for cause shall again be licensed to carry on the business of auctioneer. Any person or persons, corporation, partnership or association who shall offer for sale, or sell goods of any description, wares, merchandise, real or personal property at vendue or auction without first having obtained from the commissioner of licenses a license authorizing such person or persons, corporation, partnership or association to carry on

the business of auctioneer, shall be guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than twenty-five nor more than one hundred dollars for each offense. But nothing in this section shall apply to a duly appointed marshal of the city of New York who, by virtue of his office by levy under legal process, sells goods, wares and merchandise or real or personal property, thus levied upon by him under such process.

STEAM BOILERS; INSPECTION OF; NOT TO BE OPERATED WITHOUT
CERTIFICATE.

§ 648. Every owner, agent or lessee of a steam boiler or boilers in use in the city of New York shall annually, and at such convenient times and in such manner and in such form as may, by rules and regulations to be made therefor by the commissioner of licenses, be provided, report to the said bureau the location of each steam boiler or boilers, and thereupon, and as soon thereafter as practicable, any officer or employee of the department of licenses who may be detailed for such duty by the commissioner of licenses shall proceed to inspect such steam boilers, and all apparatus and appliances connected therewith; but no person shall be detailed for such duty except he be a practical engineer of ten years' experience in the city of New York and a resident thereof, and the strength and security of each boiler shall be tested by atmospheric and hydrostatic pressure and the strength and security of each boiler or boilers so tested shall have, under the control of said commissioner, such attachments, apparatus and appliances as may be necessary for the limitation of pressure, locked and secured in like manner as may be from time to time adopted by the United States inspectors of steam boilers or the secretary of the treasury, according to act of congress, passed July twenty-fifth, eighteen hundred and sixty-six; and he shall limit the pressure of steam to be applied to or upon such boiler, certifying each inspection and such limit of pressure to the owner of the boiler inspected, and also to the engineer in charge of same, and no greater amount of steam or pressure than that certified in the case of any boiler shall be applied thereto. In limiting the amount of pressure, wherever the boiler under test will bear the same, the limit desired by the owner of the boiler shall be the one

certified. Each owner, agent or lessee of a steam boiler or boilers in use in the city of New York shall, for the inspection and testing of such or each of such boilers, as provided for in this act, and upon receiving from the commissioner of licenses a certificate setting forth the location of the boiler inspected, the date of such inspection, the person by whom the inspection was made, and the limit of steam pressure which shall be applied to or upon such boiler or each of such boilers, pay annually to the commissioner of licenses for each boiler, the sum of two dollars, such certificate to continue in force for one year from the granting thereof, when it shall expire unless sooner revoked or suspended. Such certificate may be renewed on the payment of a like sum and like conditions to be applied to a like purpose. It shall not be lawful for any person or persons, corporation or corporations, to have used or operated with the city of New York any steam boiler or boilers except for heating purposes and for railway locomotives, without having first had such boiler or boilers inspected or tested and procured for such boiler or each of such boilers so used or operated the certificate herein provided for.

NO PERSON TO ACT AS ENGINEER WITHOUT CERTIFICATE.

§ 649. It shall not be lawful for any person or persons to operate or use any steam boiler to generate steam except for railway locomotive engines and for heating purposes in private dwellings and boilers carrying not over ten pounds of steam and not over ten horse-power, or to act as engineer for such purposes in the city of New York without having a certificate of qualification therefor from two engineers of ten years' practical experience in the city of New York appointed by the commissioner of licenses with the approval of the mayor and to continue in force one year, unless sooner revoked or suspended. Certificates of qualification heretofore issued shall entitle the holders thereof to operate and use a steam boiler until the expiration of the time for which such certificates were issued. Such certificate may be revoked or suspended at any time by the commissioner of licenses upon the report of any two practical engineers, detailed as provided in this section, stating the grounds upon which such certificate should be

revoked or suspended. Where such certificate shall have been revoked, as provided in this section, a like certificate shall not in any case be issued to the same person within six months from the date of the revocation of the former certificate held by such person.

RECORD OF INSPECTION TO BE KEPT.

§ 650. A correct record in proper form shall be kept and preserved of all inspections of steam boilers made under the direction of the commissioner of licenses and of the amount of steam or pressure allowed in each case, and in cases where any steam boiler or the apparatus or appliances connected therewith shall be deemed by the commissioner of licenses after inspection to be insecure or dangerous, the commissioner of licenses may prescribe such changes and alterations as may render such boilers, apparatus and appliances secure and devoid of danger. And in the meantime and until such changes and alterations are made and such appliances attached, such boiler, apparatus and appliances may be taken under the control of the commissioner of licenses and all persons prevented from using the same, and in cases deemed necessary, the appliances, apparatus or attachment for the limitation of pressure may be taken under the control of the said commissioner of licenses.

OVER-PRESSURE FORBIDDEN; OWNER NEGLECTING TO REPORT
BOILER.

§ 651. It shall not be lawful for any person or persons to apply or cause to be applied to any steam boiler a higher pressure of steam than that limited for the same in accordance with the provisions of this chapter, and any person violating the provisions of the last preceding section shall be guilty of a misdemeanor. In case any owner of any steam boiler in the said city shall fail or omit to report the same for inspection, as provided by law, such boiler may be taken under the control of the commissioner of licenses and all persons prevented from using the same until it can be satisfactorily tested, as hereinbefore provided for, and the owner shall, in such case, be charged with the expense of so testing it.

UNLICENSED ENGINEERS NOT TO BE EMPLOYED; QUALIFICATIONS.

§ 652. And no owner, or agent of such owner, or lessee of any steam boiler to generate steam, shall employ any person as engineer, or to operate such boiler, unless such person shall first obtain a certificate as to qualification therefor from a board of practical engineers detailed as such by the commissioner of licenses as herein provided.

In order to be qualified to be examined for and to receive such certificate of qualification as an engineer, a person must comply, to the satisfaction of such board, with the following requirements:

1. He must be a citizen of the United States and over twenty-one years of age.

2. He must, on his first application for examination, fill out in his own handwriting a blank application to be prepared and supplied by the said board of examiners, and which shall contain the name, age and place of residence of the applicant, the place or places where employed and the nature of his employment for five years prior to the date of his application, and a statement that he is a citizen of the United States. The application shall be verified by him, and shall, after verification, contain a certificate signed by three engineers, employed in New York city, and registered on the books of said board of examiners as engineers working at their trade, certifying that the statements contained in such application are true. Such application shall be filed with said board.

3. The following persons who have first complied with the provisions of subdivisions one and two of this section, and no other persons, may make application to be examined for a license to act as engineer.

(a) Any person who has been employed as a licensed fireman under the instructions of a licensed engineer in any building or buildings in the city of New York for a period of not less than three years.

(b) Any person who has served as a fireman, oiler or general assistant to the engineer on any steamship or steamboat for a period of five years, and shall have been employed for two years under a licensed engineer in a building in New York city, or any person who has served as a marine or locomotive engineer or fireman to a locomotive engineer for a period of five years, and shall

have worked as an engineer in a building in the city of New York for a period of two years and shall have been a resident of the state of New York for two years.

(c) Any person who has learned the trade of machinist, or boiler maker or steam fitter and worked at such trade for three years exclusive of time served as apprentice, or while learning such trade, and also any person who has graduated as a mechanical engineer from a duly established school of technology, after such person has had two years' experience in the engineering department in any building or buildings in charge of a licensed engineer, in the city of New York.

(d) Any person who holds a certificate as engineer issued to him by any duly qualified board of examining engineers existing pursuant to law in any state or territory of the United States, or by a board of the United States local inspectors, and must have practised his calling of engineer for one year in the vicinity in which he secured his license, and who shall file with his application a copy of such certificate and an affidavit that he is the identical person to whom said certificate was issued, and all persons included in this and the last preceding subdivision must have had at least two years' experience in buildings and on construction work in the city of New York. If the board of examiners of engineers shall determine that the applicant has complied with the requirements of this section he shall be examined as to his qualifications to take charge and operate steam boilers and steam engines in the city of New York, and if found qualified, said board shall issue to him a certificate of the third class. After the applicant has worked for a period of two years under his certificate of the third class, he may be again examined by said board for a certificate of the second class, and if found worthy the said board may issue to him such certificate of the second class, and after he has worked for a period of one year under said certificate of the second class he may be examined for a certificate of the first class, and when it shall be made to appear to the satisfaction of said board of examiners that the applicant for either of said grades has become incapacitated, by reason of physical or mental disability or of habits of intoxication, he shall not be entitled to receive such grade of license and shall not be re-examined for the

same until after the expiration of one year, except as in this act otherwise provided, every owner or lessee, or the agent of the owner or lessee, of any steam boiler, steam generator or steam engine aforesaid, and every person acting for such owner or agent is hereby forbidden to operate or to delegate or transfer to any person or persons other than the licensed engineer the responsibility and liability of keeping and maintaining in good order and condition any such steam boiler, steam generator or steam engine, nor shall any such owner, lessee or agent enter into a contract for the operation or management of a steam boiler, steam generator, or steam engine, whereby said owner, lessee or agent shall be relieved of the responsibility or liability for injury which may be caused to person or property by such steam boiler, steam generator or steam engine. Every engineer holding a certificate of qualification from said board of examiners, shall be responsible to the owner, lessee or agent employing him for the good care, repair, good order and management of the steam boiler, steam generator or steam engine in charge of or run or operated by such engineer.

LICENSES MAY BE SUSPENDED OR REVOKED ON ACCOUNT OF
DISABILITY

§ 653. If at any time, by reason of grave and lasting impairment of the physical or mental powers or other recognized settled and permanent disability of a licensed engineer or fireman, he shall in the judgment of the said commissioner have become disqualified or unfit to perform the duties of his position as engineer or fireman, said commissioner may at any time on five days' written notice order such licensee to appear before him for examination, and may after an examination and investigation order the temporary suspension or revocation of the license of such person, affording him, however, all reasonable opportunity to defend himself.

Such examination shall be conducted, if the licensee so desires, in the presence of an engineer chosen by him who may make notes of such examination, but shall take no further part therein. Each such licensee shall have the right to be represented by counsel, and to have in attendance a physician and a stenographer who may

take full notes of such examination. Nothing herein shall impair or affect any existing right to have any adverse decision or action reviewed by the courts in an appropriate proceeding.

LICENSES MAY BE TEMPORARILY SUSPENDED ON CHARGE OF
NEGLIGENCE.

§ 654. The license of any engineer or fireman chargeable with negligence or incapacity, as the result of any injury or accident by explosion or otherwise, caused to any plant of which he or they are or have been in charge, or in which he or they may be or may have been employed, may be temporarily suspended pending a full and impartial investigation into the circumstances of such alleged negligence or other disqualification; provided that any such examination shall be conducted in the presence of such licensee or licensees, and he or they shall have the right, if so desired, to counsel and to have present at each of the same, in addition to a stenographer, an engineer, whom he may select, who shall have the right to take notes of such examination, but shall participate no further therein.

JURISDICTION OVER ENGINEERS AND BOILERS ON VESSELS.

§ 655. All engines and boilers in vessels now used in the waters in and around the city of New York not coming under the jurisdiction of the marine department of the United States government, are hereby placed under the jurisdiction of the department of licenses; and the commissioner of licenses is hereby authorized and empowered to test such boilers and to examine the persons operating the same as to their qualifications as engineers and to issue licenses to such persons subject to the requirements hereinbefore set forth; such tests of boilers and examinations of persons operating the same shall be conducted as hereinbefore set forth with reference to engines and boilers in operation on land within said city.

JURISDICTION WHERE MOTIVE POWER IS OTHER THAN STEAM.

§ 656. No other person, other than an engineer duly licensed as herein provided, shall be employed in the operation of derricks, cableways, temporary elevator cars used for excavating work or

used for hoisting building material, when the motive power to operate such machinery is mechanical and other than steam and the provisions of this chapter with respect to engineers of boilers shall apply to such engineers.

LICENSES TO BOOKERS OF EMIGRANT PASSENGERS.

§ 657. The commissioner of licenses is authorized to grant licenses to persons exercising the vocation of booking emigrant passengers, or taking money for their inland fare, or for the transportation of their baggage. The persons receiving such licenses shall pay the sum of twenty-five dollars a year for each license.

LICENSES TO RUNNERS; BONDS.

§ 658. The commissioner of licenses may issue licenses authorizing the person or persons to whom the same are issued upon any street, public highway, dock or pier, or in any park or square in the city of New York, or upon any water adjacent thereto over which said city has jurisdiction, to solicit patronage for any hotel or inn, or passengers or patronage, for any steamer, steamboat, ship, vessel or railroad, or for any person or corporation selling or offering for sale passage tickets, or contracting or offering to contract for passage in any such steamer, steamboat, ship, vessel or railroad. Such license shall be for the period of one year from the date thereof, and every person receiving such a license shall pay the sum of twenty dollars therefor to the commissioner of licenses and shall also give to said commissioner of licenses a bond, with two good and sufficient sureties in the penalty of three hundred dollars, conditioned for his good behavior and the faithful observance by him of the provisions of this section. It shall be lawful for said commissioner of licenses upon an application made prior to the expiration of said license to renew and continue the same from year to year, provided that the applicant therefor continues in all respects qualified, as herein provided, to hold such license, and the said applicant shall, upon receiving such renewal, pay into the city treasury the further sum of twelve dollars and fifty cents per annum as a renewal fee. Licenses and renewals may be revoked at any time by the said commissioner of licenses for any cause satisfactory to

him, such cause to be stated in writing to the person so removed at the time of the notice of his removal. No person shall receive any license under the provisions of this section who is not a citizen of the United States and a person of good general character, such fact to be proved to the satisfaction of the commissioner of licenses. Said commissioner of licenses shall render to the comptroller of said city quarterly accounts of all moneys received by him under the provisions of this section, and the amount so received shall be paid over by said commissioner of licenses into the city treasury.

§ 2. Section fourteen hundred and seventy-three of said charter is hereby amended to read as follows:

LICENSE FOR PUBLIC EXHIBITIONS; FEE; PENALTY FOR NEGLECT
TO OBTAIN LICENSE.

§ 1473. [The police department.] *The commissioner of licenses* is hereby authorized and empowered to grant such license, to continue in force until the first day of May next ensuing the grant thereof, on receiving for each license so granted, and before the issuing thereof, the sum of five hundred dollars; excepting that in the borough of Richmond, the fee for such license shall be one hundred dollars; and every manager or proprietor of any such exhibition or performance who shall neglect to take out such license or consent, or cause, or allow any such exhibition or performance or any single one of them without such license, and every person aiding in such exhibition, and every owner or lessee of any building, part of building, garden, grounds, concert room or other room or place, who shall lease or let the same for the purpose of any such exhibition or performance or assent that the same be used for any such purpose, except as permitted by such license, and without such license having been previously obtained and then in force if the same shall be used for such purpose, shall be subject to a penalty of one hundred dollars for every such exhibition or performance which penalty shall be prosecuted, sued for and recovered in the name of the city of New York, and shall be paid to the chamberlain of the city of New York, to be paid into the treasury of said city.

§ 3. Section fourteen hundred and seventy-four of said charter is hereby amended to read as follows:

COMMUTATION OF LICENSE FEE.

§ 1474. The said [police department] *commissioner of licenses* is hereby authorized to grant licenses for said exhibitions or performances for any term less than one year, and in any case where such license is for a term of three months or less, the said [police department] *commissioner of licenses* is hereby authorized to commute for a sum less than five hundred dollars, but in no case less than two hundred and fifty dollars for a theater, or one hundred and fifty dollars for a circus, concert room, or other building or place whatsoever; except that in the borough of Richmond no license shall be granted for less than six months and the fee therefor shall be fifty dollars.

§ 4. Section fourteen hundred and seventy-five of said charter is hereby amended to read as follows:

FEES TO BE PAID OVER TO COMPTROLLER.

§ 1475. Upon granting every such license authorized by this title, the said [police department] *commissioner of licenses* shall receive from the person to whom the same shall be granted the amount payable for said license, as above provided, which amounts as respectively received by [it] *him* shall be paid over to the comptroller of the city of New York to be paid into the treasury of said city.

§ 5. Section fourteen hundred and eighty-three of said charter is hereby amended to read as follows:

PROHIBITION OF SALE OF SPIRITUOUS LIQUORS AND EMPLOYMENT OF FEMALE WAITERS.

§ 1483. It shall not be lawful to sell or furnish any wine, beer or strong or spirituous liquors to any person in the auditorium or lobbies of any place of exhibition or performance mentioned in section fourteen hundred and seventy-two of this act, or in any apartment connected therewith by any door, window or other aperture, except that the [police department] *commissioner of licenses* may, in [its] *his* discretion, and subject to such regulations and restrictions as [it] *he* may determine, permit the same to be sold or furnished while concerts, consisting of vocal or instru-

mental music only are being given in a place duly licensed by [it] him as hereinbefore provided. Such permission shall only be operative so long as it shall be lawful under the laws of this state to sell or furnish wine, beer or strong or spirituous liquors at such place, and may be revoked at any time by the [police department] *commissioner of licenses*. It shall not be lawful to employ or furnish or permit or assent to the employment or attendance of any female to wait on or attend in any manner, or furnish refreshments to the audience or spectators or any of them, at any of the exhibitions or performances mentioned in said section, or at any other place of public amusement in the city of New York. The provisions of this act shall not be construed to interfere with the right of any incorporated or other society, organized and maintained for the cultivation of vocal or instrumental music, to exercise and practice the same in good faith for themselves only, and not for the observation and entertainment of the public; nor shall the use or occupation of any such society for the purposes aforesaid of any hall or room connected with any place wherein by the laws of this state it is lawful to sell wine, beer or strong or spirituous liquors be construed to make such place a place of public amusement within the provisions of this act.

§ 6. Section fourteen hundred and ninety of said charter is hereby amended to read as follows:

PUBLIC DANCE HALL; LICENSE OF; REQUIREMENTS.

§ 1490. All public dance halls shall be licensed by the [mayor or other licensing authority] *commissioner of licenses* of the city of New York; the fee for each such license shall be fifty dollars for each year or fraction thereof. All licenses issued on or between the first day of April and the thirtieth day of September of any year shall expire on the thirty-first day of March of the succeeding year. All licenses issued on or between the first day of October and the thirty-first day of March of any year shall expire on the thirtieth day of September of the succeeding year. No license shall be issued unless the place for which it is issued complies with all laws, ordinances, rules and the provisions of any building code applicable thereto and is a safe and proper place for the purpose for which it shall be used, properly ventilated and

supplied with sufficient toilet conveniences. Every licensed public dance hall shall post its license at the main entrance to its premises.

§ 7. Section fourteen hundred and ninety-four of said charter is hereby amended to read as follows:

INSPECTORS OF PUBLIC DANCE HALLS; APPOINTMENT OF.

§ 1494. [The mayor or licensing authority] *The commissioner of licenses* of the city of New York may appoint such inspectors and other officials necessary to carry out the provisions of sections fourteen hundred and eighty-nine, fourteen hundred and ninety, fourteen hundred and ninety-one, fourteen hundred and ninety-two and fourteen hundred and ninety-three as may be authorized by the board of estimate and apportionment of the city or authority having the right to appropriate public money. The money paid for licenses under this act shall be applied toward the payment of the salaries of the inspectors appointed hereunder. Any deficiency and any other expense of carrying this act into effect until appropriation can be made therefor shall be met by the issue of special revenue bonds of the city. The inspectors to be appointed under this section shall be designated as inspectors of public dance halls.

§ 8. This act shall not be deemed to repeal or modify any existing ordinances, except in so far and to the extent that the same are inconsistent herewith.

§ 9. Sections thirty-four, three hundred and forty-two, three hundred and forty-three, three hundred and forty-four, three hundred and forty-five, three hundred and forty-six and three hundred and forty-nine of the Greater New York charter, and section three hundred and twelve of chapter four hundred and ten of the laws of eighteen hundred and eighty-two, as amended by chapter six hundred and thirty-five of the laws of eighteen hundred and ninety-seven and by chapter four hundred and sixty-one of the laws of nineteen hundred, and other laws inconsistent herewith or contrary hereto are repealed, so far as they are inconsistent or contrary, but nothing in this act shall be deemed to change, alter, vary or limit any liability which has accrued under the provisions of any statute hereby repealed or to affect any action or proceed-

ing now pending, growing out of or under any of the provisions of any of the acts hereby repealed in whole or in part.

§ 10. This act shall take effect on June first, nineteen hundred and thirteen.

(No. 14.)

AN ACT to provide for submitting to the people the question, "Shall there be a convention to revise the constitution and amend the same?" and to provide for such convention, if a majority of the electors shall decide that such convention be held.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. A special election shall be held throughout the state on the first Tuesday after the first Monday in June, in the year nineteen hundred and thirteen, at which there shall be submitted to the electors of the state to be decided by them the question, "Shall there be a convention to revise the constitution and amend the same?" Every person qualified at that time to vote for members of the legislature, may vote at such election upon such question. Such question shall be submitted in the manner provided by law for the submission of constitutional amendments. Such election shall be conducted by the same officers and in the same manner, and ballots, booths and election supplies furnished therefor, as a special election called by the governor, except as otherwise provided herein. The ballots shall be in the form prescribed by section three hundred and thirty-two of the election law; and all provisions of such law regulating the taking of a vote of the people upon a constitutional amendment or other question submitted, including the provisions of sections two hundred and ninety-four and two hundred and ninety-five of the election law relating to the submission of questions at a special election, shall apply to the election to be held under this section. Inspectors of election of the various election districts shall meet in their respective districts at the place designated therefor, on the second

Saturday preceding such election, from eight o'clock in the forenoon to ten o'clock in the evening, for the purpose of revising and correcting the register of voters in the manner provided by the election law for ascertaining electors qualified to vote at a special election. If a majority of the electors voting on such question are shown to have voted in the affirmative upon such question, as shall appear from the returns of county boards of canvassers to the state board of canvassers and by its canvass of such returns, such convention shall be held and shall be deemed duly called thereby, and delegates therefor shall be elected as provided in section two of article fourteen of the constitution.

§ 2. If, at the election held pursuant to the provisions of section one of this act, such question be decided in the affirmative, delegates to such convention to revise and amend the constitution shall be elected at the general election to be held on the first Tuesday after the first Monday of November, in the year nineteen hundred and thirteen. At such general election, three delegates shall be elected from each senate district of the state, as such districts were organized at the time of such special election, and fifteen delegates at large.

§ 3. Candidates for delegates from a senatorial district shall be nominated in the manner provided in the election law for the nomination of candidates for the office of senator, and may be designated in like manner. Candidates for delegates at large may be nominated by petition or party convention, in the manner provided in the election law, and each political party as defined in such law may call and hold and elect delegates to a state convention for such purpose, in the year nineteen hundred and thirteen. Any disqualification now imposed by law upon any person holding any other office is hereby removed, so far as the right to be a delegate to such convention is concerned.

§ 4. All laws, not inconsistent with this act, governing the election of public officers at general elections shall be applicable to the election of delegates to such constitutional convention.

§ 5. In case of a vacancy by death, resignation or other cause, of any district delegate elected to the convention, such vacancy shall be filled by a vote of the remaining delegates representing the district in which such vacancy occurs. If such vacancy occurs

in the office of a delegate at large, such vacancy shall be filled by a vote of the remaining delegates at large.

§ 6. It shall be the duty of the secretary of state to call the convention to order, and preside at all meetings thereof until a temporary chairman, president or other presiding officer, either temporary or permanent, shall have been elected by such convention and shall have taken his seat, but the secretary of state shall have no vote therein unless he be a duly elected delegate to such convention. All public officers, boards and commissions shall promptly furnish such convention or any committee thereof with all such information, papers, statements, books or other public documents in their possession as the convention or such committee shall order or require for use at any time during the session of the convention. It shall be the duty of the secretary of state, the attorney-general, and the comptroller, who shall be in office on the tenth day of January in the year nineteen hundred and fourteen, to cause to be prepared and ready for such convention a suitable manual, two copies of which shall be furnished to each member and officer of the convention, and the expense of which shall be paid by the treasurer upon the warrant of the comptroller.

§ 7. Every delegate to the convention shall be privileged from arrest on civil process during his attendance at the session of the convention, except on process issued in any suit brought against him for any forfeiture, misdemeanor or breach of trust in an office or place of public trust held by him. Each delegate shall enjoy the like privilege for the space of fourteen days before and after any such session, and during adjournments thereof, or when absent with leave of the convention. No officer of the convention, while in actual attendance upon the same, shall be liable to arrest on civil process. For any speech or debate in the convention, the delegates shall not be questioned in any other place. The convention shall have the power to expel any of its members and to punish its members and officers for disorderly behavior, by imprisonment or otherwise, but no member shall be expelled until the report of a committee appointed to inquire into the facts alleged as the ground for such expulsion shall have been received by the convention. The convention shall have the power to punish as a contempt and by imprisonment or otherwise, a breach of its

privileges or of the privileges of its members, but such powers shall not be exercised except against persons guilty of one or more of the following offenses: 1. The offense of arresting a member or officer of the convention in violation of his privilege from arrest, as hereinbefore declared.

2. The offense of disorderly conduct in the immediate view and presence of the convention and directly tending to interrupt and disturb its proceedings.

3. The offense of publishing any false and malicious report of the proceedings of the convention or of the conduct of an officer or delegate in his official capacity.

4. That of refusing to attend or be examined as a witness or to produce papers and documents called for by subpoena, either before the convention or a committee thereof, or before any person authorized by the convention or by a committee thereof to take testimony in the proceedings of the convention.

5. That of giving or offering a bribe to any member or of attempting by menace or other corrupt means, or inducement or device, directly or indirectly, to control or influence a member in his vote or other official conduct in or in relation to the convention.

In any case in which the convention shall punish any person by imprisonment, such imprisonment shall not extend beyond the session of the convention.

§ 8. The secretary of state shall, as soon as practicable after this act takes effect, transmit a printed copy thereof to the board of elections of each county of the state and to the board of elections of the city of New York.

§ 9. This act shall take effect immediately.

(No. 15.)

AN ACT to amend the tax law, in relation to the collection of taxes.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article four of chapter twenty-six of the laws of nineteen hundred and nine, entitled "An act in relation to taxa-

tion, constituting chapter sixty of the consolidated laws," is hereby amended by adding at the end thereof seven new sections to be sections ninety-six to ninety-nine-c inclusive, to read respectively as follows:

§ 96. Rejection of tax by board of supervisors. The county treasurer shall examine each account of unpaid taxes returned by a collector or receiver of taxes of any tax district and whenever, prior to a sale for such tax, he shall find that any tax entered thereon is erroneous for any cause, or is charged upon lands imperfectly described, or contains any error or insufficiency such as to render it insufficient to sustain a valid sale of the premises affected thereby for such unpaid taxes, he shall prepare and transmit to the supervisor of the town in which the land affected by such tax is situated, a transcript of the tax and a statement of the defects or irregularities found therein with a notice that the same will be presented to the board of supervisors of the county at the next regular meeting. The county treasurer shall thereupon transmit to the board of supervisors of the county at the meeting next after such notice, a transcript of such taxes, a statement of the defects and irregularities therein, a copy of the notice served upon the supervisors as above prescribed and a request that the board of supervisors consider the objections to the tax. The board of supervisors may thereupon overrule the county treasurer's objections to the tax or sustain the same and reject the tax, and in the latter event shall authorize the county treasurer to charge back to the town in which the land affected by such tax is situated, the amount of the tax so rejected with interest from the date of the original return.

§ 97. Transmittal of rejected taxes to board of supervisors. The county treasurer shall transmit to the board of supervisors, prior to its annual meeting in each year, a transcript of the return of all taxes which have been rejected by action of the board of supervisors as hereinbefore provided. The board of supervisors shall thereupon transmit to the boards of assessors of the respective towns in which such rejected taxes originated, a list of such taxes and the properties affected thereby, and it shall be the duty of the respective boards of assessors to assess such properties in the current year as omitted property of the year in which such

rejected taxes were levied, respectively and in the manner prescribed by section thirty-four of this act. In the event of their failure or inability for any cause to reassess such property as thus provided, the total amount of such rejected tax not so reassessed shall be levied upon and collected from the tax district from which said rejected tax was returned.

§ 98. Transmittal of cancelled taxes to the board of supervisors. The county treasurer shall transmit to the board of supervisors prior to its annual meeting in each year a transcript of the return of all taxes which have been cancelled or set aside by the judgment of any court, adjudging that said taxes be cancelled or set aside, or that a sale based thereon be cancelled with the addition of interest thereon, and the board of supervisors shall thereupon proceed to assess the property affected thereby in the manner prescribed by section fifty-seven of this act.

§ 99. Powers of board of supervisors over erroneous taxes. The board of supervisors shall have power on application of any person interested in the lands affected and upon such notice to the supervisor of the town and other persons interested in the lands affected as it may by rule prescribe, to cancel any tax which appears to have been levied upon double assessment of the same premises or any part thereof or upon an assessment for a greater quantity of land than is actually contained therein; to apportion between owners of different portions of one tract or of undivided interests therein the proportion of any tax which each or any owner may be required to pay; to authorize the refund of moneys paid in excess of the amounts of tax actually due upon any parcel of land or portion or undivided interest therein and in each case hereby provided for to direct that the amount of any cancelled tax or reduction in amount of tax, or refund ordered, be charged to the town in which such tax originated and to cause the amount thereof to be levied upon such town in the next tax levy.

§ 99-a. Limitation of time for collection of taxes. A tax charged upon land shall be and remain a lien thereon for the period of ten years from the date of the levy of said tax, and after the expiration of ten years from the date of levy of said tax no proceedings shall be maintained for the collection of such tax.

§ 99-b. Collection of arrears of taxes. The county treasurer of any county may at any time prior to the first day of January, nineteen hundred and fifteen, employ the necessary expert assistance to ascertain and compute from the assessment rolls and returns of unpaid taxes filed in his office the amount and items of unpaid taxes returned to him by any town, which remain unpaid, and which have not been reassessed or collected by means of sale for such taxes. He may transmit to the board of supervisors of his county, prior to the date aforesaid, a statement of such unpaid taxes by towns, and the board of supervisors shall cause the amount thereof charged against each town to be added to the taxes of the tax district in which such taxes were assessed, and when collected the amount thereof shall be paid into the county treasury. The cost of making the investigation and computation aforesaid, when certified by the county treasurer, shall be a county charge.

§ 99-c. Sections ninety-six to ninety-nine-b both inclusive of this chapter shall only apply to counties having a population according to the federal enumeration of nineteen hundred and ten of not less than ninety-five thousand and not more than one hundred thousand.

§ 2. This act shall take effect immediately.

(No. 16.)

AN ACT to amend the conservation law, generally, in relation to lands, forests and public parks.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter six hundred and forty-seven of the laws of nineteen hundred and eleven, entitled "An act relating to conservation of land, forests, waters, parks, hydraulic power, fish and game, constituting chapter sixty-five of the consolidated laws," as amended by chapter four hundred and forty-four of the laws of nineteen hundred and twelve, is hereby amended by insert-

ing in article four thereof two new sections, to be sections fifty-five-a and fifty-five-b, to read as follows:

§ 55-a. *Bird and mammal refuge in the forest preserve. The commission may by its order duly entered in its minute book set aside within the forest preserve counties for a period not exceeding twenty-five years such portions of the state lands as it may deem advisable or necessary for the protection and propagation of birds or mammals, such lands to be known as bird or mammal refuges within which no bird or mammal shall be taken at any time during such period, except as provided by section one hundred and fifty-eight of this chapter. Such prohibition shall not apply to game fish or other fish during the open season provided for fishing. At least thirty days before such order shall take effect a copy of the same shall be filed in the office of the clerk of the county or counties in which the said order shall apply, and printed copies thereof, of which the printed portion shall be at least one foot square, shall be posted not more than fifty rods apart along the boundaries of the land affected; and shall be advertised once a week for four successive weeks in a newspaper published in the county or counties wherein such order shall take effect. It shall be unlawful for any person to have in his possession or under his control any firearms of any sort or description within the said refuge during the continuance of said order. Whoever shall violate or attempt to violate the terms of said order or any of the provisions of this section shall be guilty of a misdemeanor and in addition thereto shall upon conviction be liable to a penalty of one hundred dollars for each violation and to an additional penalty of ten dollars for each and every bird or mammal taken in violation of the provisions of this section.*

§ 55-b. *Purchase of barren lands on the watersheds of the state. The conservation commission shall have power to purchase unimproved and non-agricultural barren lands suitable for forest growths and situated upon the principal watersheds of the state in contiguous areas of not less than three hundred acres to the extent of not more than fifty thousand acres per year. Any lands so purchased shall be reforested with suitable forest trees as soon thereafter as practicable.*

§ 2. Section sixty of such chapter is hereby amended to read as follows:

§ 60. Superintendent of forests, assistant superintendent of forests and foresters. The commission [may] shall appoint a superintendent of forests who shall devote all his time to the duties of his office. Such superintendent shall be a technically trained forester, who has had at least seven years' practical experience in the actual handling and care of forests, and a reasonable experience in the state of New York. The commission may remove the superintendent of forests for inefficiency, neglect of duty, or misconduct in office, giving to him a copy of the charges against him, and an opportunity of being publicly heard in person or by counsel in his own defense upon not less than ten days' notice. The commission shall file in its office the record of such hearing. The commission shall appoint an assistant superintendent of forests, [and necessary] four state foresters and such assistant state foresters as may be necessary. All of the employees enumerated in this section shall be graduates of recognized schools of forestry of good standing, and no one shall be eligible for appointment as state forester without having had three years' actual experience in forestry work. In case of vacancy in the office of the state foresters, the same shall be filled by promotion examination from the assistant state foresters, preference being given to those having had actual professional experience on forest lands within the state of New York. The superintendent of forests, and in his absence or inability to act, the assistant superintendent of forests, shall, subject to the direction of the commission, have general supervision of the forest preserves and the forestry interests of the state and shall enforce all laws and regulations for the protection and conservation of the forest preserve and the public parks described in this chapter. The foresters shall perform such duties as may be prescribed by the [commission] superintendent of forests. The superintendent of forests, subject to the provisions of the civil service laws, may remove the state and assistant state foresters. The assistant state foresters shall be selected by the superintendent of forests from lists prepared as a result of a written examination conducted by the civil service commission, which examination shall

shall prepare a plan for the development of such lands in accordance with approved methods of forestry, which plan when approved by the superintendent of forestry, together with such description and survey shall be filed in the office of the commission and a copy thereof sent to such owner. Should the superintendent of forests reject such plan, then the expenses of the commission, if any, incurred by it in the examination of the land and preparing the description and survey shall be paid forthwith by such owner to the commission. Should the said owner refuse or fail to pay such expenses upon demand, the commission may institute proceedings to recover the same in an action at law as provided for the recovery of fines and penalties. Upon the acceptance of such plan by the superintendent of forests, lumbering on such lands shall be conducted thereafter in accordance with such plans and in no other manner. Such plans shall include not only regulations and conditions for lumbering, but also a comprehensive scheme for reforestation of the lands lumbered in accordance herewith. The superintendent may at any time make such regulations as he may deem necessary or expedient to give full effect to the object and intention of this section. The lumbering and reforestation shall be under the supervision of the superintendent of forests who shall designate one of the foresters or one of the assistant foresters to see that the regulations prescribed shall be faithfully carried out. Any owner who willfully violates any of such regulations shall immediately forfeit the right to enjoy the provisions of sections eighty-eight, eighty-eight-b and eighty-nine of this chapter. Any owner or employee of such owner who violates any of the regulations prescribed for lumbering or reforestation, as herein provided for, is guilty of a misdemeanor, and in the case of a violation of the regulation prescribed as to the cutting of trees shall, upon conviction, be liable to a penalty of five dollars for each and every tree cut upon such land contrary to such regulations. Any owner who has filed plans, approved by the superintendent of forests in accordance with the provisions of this section, may avail himself of the provisions of section eighty-eight-b and shall be entitled to the exemptions from taxes provided for in section eighty-nine of this chapter upon filing due notice or application therefor with the commission as in such section provided.

required in default of such payment to sell the property described in such warrant in the manner provided by law, for a sale under execution, at which sale the state may become a purchaser, and to deliver to the purchaser thereof a proper deed or assignment, as the case may be, and such warrant shall immediately be returned to said commission by said sheriff with all his proceedings endorsed thereon, and he shall pay over to said commission the money received from such sale, and said commission shall apply the same to the payment of such cost or charge and all interest and expense thereon, including the expenses of such sale, returning any balance that may remain to such owner or owners. All moneys received by said commission in payment of such cost or charges and any interest thereon shall be accounted for and paid by said commission to the state treasurer for the benefit of the state within thirty days after its receipt.

3. In the event that private lands covered by this section have been reforested by the state as herein provided, the timber thereon may thereafter be cut only in accordance with rules and regulations established by the superintendent of state forests. But such rules and regulations shall not interfere with the improvement or development of such lands or any part thereof, consistent with the purposes of this section, and provided that notice of such improvement or development shall first have been filed with the superintendent of state forests.

4. Rules and regulations, established pursuant to this section, shall become effective, after having been published for three successive weeks in a newspaper published in the county or counties where said lands are situated and shall continue in force until modified or abrogated by like notice.

§ 88-b. Reforestation of private lands. The owner of any tract of land, suitable for tree growth, or the owner of any timber rights, who has complied with the provisions of section eighty-eight of this chapter, may make application therefor to the conservation commission, and the conservation commission shall upon such application being made enter into a contract with such owner to reforest within a reasonable time his lands at cost with suitable forest trees, provided that the area of such lands is not less than three hundred acres in contiguous parcels, and provided that such

statement of the assessors of the value of said lands, which lands shall be valued at the same rate as other waste, denuded or wild forest lands in said tax district, similarly situated; such application shall also contain a declaration that the owner intends to reforest or underplant the lands described in such application with such number and kind of trees per acre and in such manner as the commission shall specify, and to comply with all reasonable rules and regulations of the commission in reference to future care and management of said lands and trees.

If it appears from said application and certificate or sworn statement that said lands are suitable for reforestation or underplanting purposes and have not been assessed during the period of five years next preceding the date of such application at an average valuation of more than five dollars per acre, or that similar lands in said vicinity have not been assessed for more than five dollars per acre, the said commission shall, as soon as practicable after the receipt of such application, cause an examination to be made of the lands for the purpose of determining whether or not it is of a character suitable to be reforested or underplanted and to be classified as such. After such examination if the commission shall determine that such lands are suitable for reforestation or underplanting, it is hereby empowered to enter into a written agreement with the owner, which agreement shall be to the effect that the commission will furnish said owner, at a price not to exceed cost of production, trees to be set out upon said lands, the kind and number to be prescribed by the commission, and to be set forth in said agreement; that the owner will set out upon said land the number and kind of trees per acre designated by the commission; and that said land will not be used for any purpose other than forestry purposes, during the period of exemption, without the consent of the commission; and that said lands and the trees thereon will be managed and protected at all times during the period of said exemption in accordance with the directions and instructions of the commission. Said agreement shall be recorded in the office of the county clerk of the county where the lands are situated, and the provision thereof shall be deemed to be and be covenants running with the land. Within one year after the making of such agreement, said lands

insert upon the margin of said assessment-roll the date of expiration of said exemption. Such lands shall be assessed, and continue to be assessed, and carried in such manner, upon the assessment-rolls, of such towns until the end of the exemption period. In the event that lands so classified shall, in the judgment of the commission, cease to be used exclusively for forestry purposes to the extent provided in the agreement between the conservation commission and the owner, or that said owner has violated in terms, or any reasonable rules and regulations of the commission in respect to the use of or the cutting of timber on said lands, the exemption from taxation provided in this section shall no longer apply; or at the election of the commission such owner may also be restrained from said acts by injunction; and the assessors having jurisdiction shall, upon the direction of the commission, assess said lands against the owner at the value, and in the manner provided by the tax law for general assessment of land.

The planting or underplanting of a tract in forest trees in compliance with the agreement as provided in this section shall be taken and deemed to be an acceptance by the owner of the exemption privileges herein granted and of the conditions herein imposed; and in consideration of the public benefit to be derived from the planting, underplanting, cultivation and growth of such trees the exemption of such trees from taxation and the taxation of the land upon which such trees are grown as herein provided, shall be continued and is hereby assured; and the right to such exemption and taxation shall be inviolable and irrevocable as a contract obligation of the state, so long as the owner of the land so planted shall fully comply with and perform the conditions of such contract not exceeding said period of thirty-five years.]

Classification of forestry lands and exemption from taxation. Any tract of land or timber right therein in area of five acres or upwards suitable for tree growth, the owner of which has complied with the provisions of section eighty-eight of this chapter, may be classified as forestry lands under the provisions of this section. Upon the filing of the notice provided in section eighty-eight of this chapter, the commission shall thereafter cause an inspection of such lands or timber to be made by a competent

in which the lands are located and in the office of the comptroller of the state and in its own office in the city of Albany. The classification of lands under this section shall cease and determine when lumbering operations are conducted thereon for the cutting and removal of trees for commercial purposes, and a certificate to such effect shall be made by the conservation commission under its seal in triplicate, and shall be filed in the office of the assessors of each tax district in which the lands are located and in the office of the comptroller of the state and in its own office in the city of Albany. On or before May first in every year the conservation commission shall file in the office of the assessors of each tax district in which lands classified hereunder are situated a list and description of all such lands in such district and the assessors in each such tax district shall assess the lands described in such list and the trees thereon as lands classified pursuant to section eighty-nine of the conservation law, and no other lands or growing trees excepting those included within such list shall be so assessed.

§ 6. Section ninety of such chapter is hereby amended to read as follows:

§ 90. Limbs to be **[lopped]** cut off. Every person who shall, within any of the towns enumerated in section ninety-seven of this chapter except as herein provided, fell **[cut]** or cause to be **[cut]** felled or permit to be **[cut]** felled any evergreen trees for sale or other purposes shall cut off **[or lop]** or cause to be cut off **[or lopped]** from the said trees and the limbs thereof, at the time of felling the said trees or at a time to be fixed by the commission as hereinafter provided, all the limbs thereof up to a point where the trunk or limb has a longest diameter which does not exceed three inches, unless the said tree be **[cut]** felled for sale and use with the limbs thereon or for use with the limbs thereon. If the commission shall by resolution determine that no danger to neighboring or other forests will arise if the limbs of trees growing on particular lands to be described in said resolution are not cut off at the time of felling the said trees, the limbs thereof need not be cut off at that time but in that case the same shall be cut off as above required at the time fixed by the commission and such time shall be fixed in said resolution.

be present on any day designated as a day of registration by section one hundred and fifty of this chapter, and who, as a prerequisite to his right to vote at the succeeding general election, is compelled to appear in person for registration, may appear personally before the board of registration constituted by section one hundred and sixty-one-a hereof and apply for registration as a qualified voter of the election district in which he, if properly registered, would be entitled to vote. In addition to all other statements by this chapter required to be made to entitle such applicant to register as a voter in the election district within which he resides, he shall make and file with such board an affidavit wherein he shall state his name, address by street and number, business or occupation and the particular reason for his belief that he will not be able to appear personally before the inspectors of election of the election district in which he claims to be a voter, on any day specified in section one hundred and fifty hereof as a day of registration. Such board shall have power to examine such applicant on oath concerning any matters bearing on his qualifications as a voter and his right to be registered and, if such examination is had, shall reduce the same to writing. If such board shall determine that such applicant is a duly qualified voter, entitled to register as such in any election district in any such city or village, it shall enter his name upon its register in the manner provided for the registration of voters in election districts. In case such board shall fail or refuse to register such applicant as a duly qualified voter or shall make any errors or omissions in such record of registry, such applicant may make application to the court in the manner provided in this chapter, for an order compelling such board to place the name of such applicant upon the register as a qualified voter or to correct such error or omission, as the case may be, and on the hearing, the court, in a proper case, may direct such board to place the name of such applicant upon the registry of qualified voters or correct such errors or omissions, as the case may be, at a meeting thereof to be held at the time and place designated in the order or at some later regular meeting of such board.

§ 161-c. Filing certificates of registration; effect of registry. On the first day of registration held pursuant to section one hundred and fifty hereof it shall be the duty of such board to file with

(No. 18.)

AN ACT to amend the election law, by providing a separate ballot for candidates for judicial office.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 60-b. Article thirteen of such chapter is hereby amended by adding after section three hundred and forty-five a new section, to be known as section three hundred and forty-six, to read as follows:

§ 346. *Special provisions when candidates for judicial office are to be voted for. At all elections where candidates for judicial office are to be voted for, all provisions of section three hundred and thirty-one, and other sections of this act, shall be applicable, and shall be followed in all respects, except as hereinafter specifically provided:*

(1) *Candidates for judicial office shall be placed upon a separate ballot, and the arrangement of such ballot shall conform as nearly as practicable to the plan hereinafter given. The names of all the candidates shall be printed in one column, at the top of which shall be printed in type known as great primer Roman condensed capitals, the caption "judiciary nominations," which caption shall be separated from the rest of the column by a heavy printed line. Under said caption the names of the candidates for the judicial offices to be filled at the election shall be printed under the titles of the respective judicial offices for which they are candidates respectively, so that the names of all the candidates for a judicial office shall be printed under the title of that office; at the immediate left of each candidate's name shall be printed a number in Arabic numerals commencing with number one at the left of the name of the candidate first printed, and continuing thereafter in regular numerical order. Immediately below the title of each judicial office shall be printed in brier lower case type a direction to voters as to the number of persons to be voted for in the following words: "Vote for " (the blank space being filled with the number of persons to be chosen for such judicial office at the election). Immediately below this direction and separated therefrom by a horizontal line shall be printed the*

the ballot, shall be printed the consecutive number of the ballot, beginning with "number one," and increasing in regular numerical order.

(4) The same quality and color of paper and ink shall be used, and sample ballots shall be furnished, as in the case of the general official ballots, and in general the ballots shall comply with the requirements of section three hundred and thirty-one of this chapter, in so far as such requirements may be consistent with the particular provisions of this section. Such ballots shall be furnished in the same number and in the same manner as required in the case of general ballots.

(5) In case of the death of a candidate for judicial office, an official paster, as provided for in section one hundred and thirty-seven of this chapter, may be placed upon the judiciary ballot in the manner provided in said section, but the official paster shall contain only the name of the candidate nominated to fill the vacancy.

(6) If the voter desires to vote for a person who has been nominated as a candidate for judicial office, he must make the cross X mark in the voting space before the name of such candidate upon the judiciary ballot. If the voter desires to vote for any person for judicial office whose name does not appear upon the judiciary ballot, he can so vote by writing the name of such person upon such ballot with a pencil having black lead in the blank space under the title of the judicial office.

(7) The officers charged with the duty of furnishing official ballots shall also furnish to the board of inspectors of each election district two judiciary tally sheet blanks, three judiciary ballot return blanks and three judiciary election return blanks designated and arranged for the convenient tabulation and return of the votes cast for candidates for judicial office.

(8) No separate ballot shall be necessary, however, in any election district wherein a voting machine is used, provided such voting machine shall be so constructed as to permit the placing of candidates for judicial office on a separate portion of the keyboard, wherein the arrangement of such candidates may conform to the arrangement provided herein for the separate judiciary ballot, and also provided that such voting machine shall permit and require

(No. 20.)

AN ACT to amend the general business law, in relation to licensing small loan brokers.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter twenty-five of the laws of nineteen hundred and nine, entitled "An act relating to general business, constituting chapter twenty of the consolidated laws," is hereby amended by inserting therein a new article, to be article five-a, to read as follows:

ARTICLE 5-A.

SUPERVISOR OF SMALL LOANS; BUSINESS OF SMALL LOAN
BROKERS REGULATED.

- Section 55. Supervisor of small loans.
- 56. License.
 - 57. Bonds.
 - 58. Issue of license.
 - 59. License fee; issuance of license.
 - 59-a. Manner and place of transacting business.
 - 59-b. General powers and duties of supervisor respecting licenses.
 - 59-c. Loans.
 - 59-d. Interest on loans; investigation fees.
 - 59-e. Regulation respecting the making of loans.
 - 59-f. Actions where brought.
 - 59-g. Regulations respecting collection of loans.
 - 59-h. Penalties.
 - 59-i. False statements by borrower.
 - 59-j. Application of article.
 - 59-k. Limitation of usury law.

§ 55. Supervisor of small loans. The office of supervisor of small loans is hereby established. The supervisor of small loans shall be appointed by the governor by and with the advice and consent of the senate. His term of office shall be three years. His salary shall be five thousand dollars. He may appoint and at pleasure remove a deputy, at an annual salary of three thousand

dollars, and such clerical and other assistants as may be needed, within the amount of the appropriation therefor. His office shall be deemed a bureau in the office of the state comptroller, and the state comptroller shall assign to him office space in the state comptroller's offices at Albany and New York for the conduct of the business of his office.

§ 56. License. Every person, firm or corporation engaged in or seeking to engage in the business of loaning money in sums of two hundred dollars or less amounts on chattel mortgage, on assignment of salary or wages, either earned or to be earned, or promissory note or confession of judgment, shall procure a license to conduct such business from the supervisor of small loans. Such license shall be issued only upon written application therefor, stating

1. The name and residence of the individual, or in case of a firm, the name and residence of each of the partners, or in case of a corporation, the names and residences of each officer and director of such corporation.

2. If the applicant be a corporation, the date and place of its incorporation, and the office or offices in which its certificate of incorporation is filed.

3. The city, town or village in which it is proposed to transact the business and the location by street and number of the office or place of business in which the business is to be conducted.

§ 57. Bonds. A license shall not be issued under this article, unless the applicant shall file with the state comptroller a bond in the sum of three thousand dollars, if the applicant desires to engage in business in a city of the first or second class, and if elsewhere, in the sum of one thousand dollars, executed by the applicant and by a surety company approved by the supervisor of small loans, conditioned for the faithful and honest conduct of such business by the applicant, compliance with all the provisions of law relating thereto, and the prompt payment of any judgment recovered against him for which he may be liable under the provisions of this article.

§ 58. Issue of license. Upon the receipt of such application and the filing of such bond and the payment of the license fee as hereinafter provided, the supervisor of small loans shall issue a

license for the transaction of such business by the applicant. If the applicant be a nonresident, or a partnership, at least one of the members of which does not reside within the state, or a foreign corporation, such license shall only be issued upon the filing by the applicant with the supervisor of small loans of the designation of a resident agent for the transaction of business within the state. The action of the supervisor of small loans in refusing to grant or renew such a license shall be reviewable by certiorari. After sixty days from the date this article takes effect, no person, firm or corporation shall conduct in this state the business of loaning money in sums of two hundred dollars or less on chattel mortgage, or assignment of salary or wages, either earned or to be earned, on promissory notes, or on confession of judgment, unless such license shall have been procured and be displayed conspicuously in the place of business of such individual firm or corporation.

§ 59. License fee; issuance of license. Upon making application for such license, the applicant shall pay to the state comptroller a license fee of one hundred dollars, which shall be paid into the state treasury. Upon the filing of such application and the payment of such fee, the supervisor of small loans shall issue to the applicant a license stating fully the name or names of the persons or corporation, and of every member of the firm or association authorized to do business thereunder, the location of the office of the corporation or place of business in which the business is to be conducted, and if the licensee be a corporation, the date and place of incorporation, the name of the president or other managing officer, and the name of its directors. Every license shall expire on the first day of May succeeding the date of issue thereof, and no reduction of fee shall be made for a license issued for less than a year.

§ 59-a. Manner and place of transacting business. No person, firm, corporation or association so licensed shall transact or solicit business under any other name or at any other office or place of business than that named in the license. Not more than one office or place of business shall be maintained under the same license, and no loan or advance shall be made at any other place than that designated in the license. If it be desired to remove the of-

fice or the place of business to another place in the same county and in the same city, town or village, the supervisor of small loans shall, on application, indorse on the license a transfer to the new office or place of business, with the date of such transfer, and from the time of such indorsement the name and place so designated shall be deemed the place named and designated in the license. No additional fee shall be exacted for such indorsement.

§ 59-b. General powers and duties of supervisor respecting licenses. The supervisor of small loans shall

1. Have power to investigate all complaints made against every person, firm or corporation licensed pursuant to this article, for the purpose of ascertaining whether the laws of the state in respect to the transaction of such business or regulating the interest chargeable by such licenses are being complied with;

2. Have power to take proof and testimony in relation to any matter subject to investigation by him;

3. Notify the proper prosecuting officer of violations of this article that come to his attention, and act as complainant in the prosecution thereof;

4. Report annually, on or before January fifteenth, to the state comptroller, in relation to the conduct of his office during the preceding calendar year, stating particularly every investigation made by him and every violation of the laws of the state that shall have come to his attention, and recommending such legislation as he deems advisable in respect to the business of persons, firms and corporations subject to investigation by him.

§ 59-c. Loans. A person, firm or corporation, licensed under this article, shall not make a single loan in excess of the amount of two hundred dollars, or more than one loan to any individual, firm or corporation, unless all prior loans made to such individual, firm or corporation shall have been paid in full. At the time a loan is actually made, the person, firm or corporation making the same shall deliver to the borrower a duplicate copy of every assignment, promissory note, chattel mortgage, confession of judgment, power of attorney or other paper or document signed by the borrower, relating to such loan. If this be done an assignment of salary or wages need not be filed with the employer or employers by whom such salary or wages is to be paid. Upon

the repayment of a loan in full, every paper signed by the borrower shall be returned to the borrower, destroyed in his presence, or his signature torn from each of such papers and returned to him. No assignment of salary or wages or order for the payment thereof shall be valid for a period exceeding one year from the making of such assignment, and not exceeding ten per centum of a borrower's monthly salary or wages shall be collectible under such an assignment or order, if the amount of the loan be not paid in accordance with the terms thereof.

§ 59-d. Interest on loans; investigation fees. No person, firm or corporation licensed under this article shall, directly or indirectly, charge or receive for the use and sale of his personal credit or for making an advance or loan of money either wholly or partly in anticipation of salary or wages due or to be earned whether secured by a bill of sale or assignment of salary or wages, power of attorney, promissory note, confession of judgment or bona fide chattel mortgage, a greater sum than at the rate of three per centum per month if the amount of the loan be fifty dollars or less; two and one-half per centum per month if the amount of the loan be over fifty dollars and not more than one hundred dollars; two per centum per month if the amount of the loan be over one hundred and not more than two hundred dollars; but such firm, person or corporation may charge a fee for investigating the status of an applicant for such loan or advance to establish his credit or for the examination of valuation of property, the examination of title, drawing, registration and recording papers, acknowledgments, affidavits, insurance or any other expense of any kind connected with such loan, not exceeding one dollar if the loan or advance be twenty-five dollars or less, not exceeding one dollar and fifty cents if the loan or advance be over twenty-five dollars and not to exceed one hundred dollars, not to exceed two dollars and fifty cents if the loan or advance be over one hundred dollars and not to exceed two hundred dollars. If after investigation an application for loan be rejected, one-half of the investigation fee shall be returned to the applicant, upon demand.

§ 59-e. Regulations respecting the making of loans. Interest or charges must not be deducted when a loan is made. It shall not be lawful in any manner or under any pretense whatever to

divide or split up a loan, either directly or indirectly, for the purpose of exacting or receiving any charge, cost or expense of any kind in addition to or in excess of that authorized by this article.

§ 59-f. Actions, where brought. An action brought to enforce a contract, assignment or a note, given by a borrower for money loaned by licensee under this article shall be brought within the county wherein the loan was made and the money was actually received by the borrower, and any confession of judgment taken as security may be filed only in the county wherein it is certified.

§ 59-g. Regulations respecting collection of loans. Any person or persons, firm, corporation or association, who shall, after this article takes effect, make to any employee an advance of money, or loan, on account of salary or wages due or to be earned in the future by such individual upon an assignment or sale of salary, promissory note or other written instrument covering such loan or advance, shall not acquire any right to collect or attach the same while in the possession or control of the employer unless such assignment or sale of salary, promissory note or other written instrument be dated on the same day on which such loan is actually made and such person or persons, firm, corporation or association is licensed under this article.

§ 59-h. Penalties. Any violation of this article shall be a misdemeanor punishable by a fine not to exceed one hundred dollars and any loan or loans made in connection with such violation shall be void and unenforceable. If a licensee be convicted of a second offense his license shall be deemed revoked from the date of such conviction, and any loan or loans made in connection with such second violation shall be void and unenforceable and another license shall not be issued to the same person, firm or corporation within one year. The discounting or indorsing of notes by a person, firm or corporation, not exempt from the provisions of this article, engaged in such business without a license, or receiving or exacting a greater interest, charge, fee or remuneration than six per centum on loans of less than two hundred dollars shall be deemed an evasion of the provisions of this article and constitute a misdemeanor, punishable by a fine of not more than one hundred dollars, and any such loan or loans made

in connection therewith shall be void and unenforceable. A loan or advance upon security of an assignment of salary or wages either earned or to be earned, or made on chattels, promissory note, bill of sale or confession of judgment after the sixtieth day from the date when this article takes effect by any person, firm or corporation, engaged in the business of loaning money in sums less than two hundred dollars, at a rate exceeding the legal rate of six per centum per annum shall be null and void, unless such person, firm or corporation shall have procured a license as required by this article; and such unlicensed money lender shall forfeit both the principal and the interest on such loan or advance.

§ 59-i. False statements by borrower. If an applicant for a loan or advance from a licensee under this article makes a false statement in writing to the licensee in reference to the amount of salary or wages received by him or in reference to his title to personal property mortgaged to secure such loan or advance, he shall be guilty of a misdemeanor, punishable by a fine of not more than one hundred dollars, or six months' imprisonment or both.

§ 59-j. Application of article. This article shall not apply to licensed pawnbrokers, nor to personal loan associations authorized to transact business under article ten of the banking law, nor to individual or private bankers, or corporations incorporated under or subject to the banking law, nor to any transactions with such bankers or corporations, nor to loans made by manufacturers or merchants to their customers and secured by chattel mortgages or conditional sale agreement.

§ 59-k. Limitation of usury law. The provision of any other statute limiting the amount chargeable for the loan or forbearance of money or loan of credit, or prescribing the punishment for exacting, demanding or receiving usurious interest shall not apply to any person, firm or corporation licensed under this article.

§ 2. This act shall take effect immediately.

(No. 21.)

AN ACT to amend the military law, in relation to departments, corps and staffs and creating a quartermaster corps.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirty of chapter forty-one of the laws of nineteen hundred and nine, entitled "An act in relation to the militia, constituting chapter thirty-six of the consolidated laws," as amended by chapter three hundred and seventy of the laws of nineteen hundred and nine, is hereby further amended to read as follows:

§ 30. Composition and strength. The national guard of the state shall consist of a major-general, brigadier-generals, an adjutant-general's department, an inspector-general's department, a judge-advocate-general's department, an ordinance department, [a quartermaster's department, a subsistence department, a pay department], a corps of engineers, a coast artillery corps, a quartermaster corps, a medical department, a signal corps, the commissioned officers heretofore or hereafter retired or rendered supernumerary, the organizations forming the national guard at this date, such others as may be organized hereafter and such persons as are enlisted and commissioned therein. The governor shall have power to alter, divide, annex, consolidate, disband or reorganize any organization or corps and create new organizations or corps when required by the provisions of this chapter or whenever in his judgment the efficiency of the state forces will be thereby increased, and he shall have power to change the organization of any organization or corps so as to conform to any organization, system of drill or instruction now or hereafter adopted by the army of the United States or prescribed by the laws of the United States for the government of the militia, and for that purpose the number of officers and non-commissioned officers of any grade in any organization or corps may be increased or diminished and the grades of such officers and non-commissioned officers may be altered to the extent necessary to secure such conformity. The governor shall have power to fix and from time to time to alter the maximum number of enlisted men

which shall form part of any organization irrespective of but not exceeding the maximum prescribed therefor in this chapter. The aggregate forces of the national guard in time of peace, fully armed, uniformed and equipped, shall be not less than ten thousand and not over eighteen thousand enlisted men, but the governor shall have power in case of war, insurrection, invasion or imminent danger thereof to increase the forces beyond the said eighteen thousand and organize the same as the exigencies of the service may require.

§ 2. Section thirty-one of said chapter, as amended by chapter three hundred and seventy of the laws of nineteen hundred and nine, is hereby further amended to read as follows:

§ 31. Division and brigades. The brigades and other military units of the national guard, shall constitute a division which shall be commanded by a major-general. The staff of the division shall consist of officers detailed from the various staff corps and departments as follows:

One [adjutant-general] *colonel, chief of staff, two lieutenant-colonels and five majors, adjutant-general's department.*

One [inspector-general] *colonel, two lieutenant-colonels and five majors, inspector-general's department.*

One [judge-advocate, lieutenant-] *colonel and five majors, judge-advocate-general's department.*

One *colonel, two* [quartermasters,] *lieutenant-colonels, eight majors and eight captains, quartermaster's department* corps.

[One commissary, lieutenant-colonel, subsistence department.]

One [surgeon] *colonel, two lieutenant-colonels, two majors and two captains, medical corps.*

One [engineer, lieutenant-] *colonel and five majors, corps of engineers.*

One [ordnance officer, lieutenant-] *colonel and one major, ordnance department.*

One [signal officer, lieutenant-] *colonel and five majors, signal corps.*

Three aides, captains or lieutenants, from the national guard.

A brigade shall consist of two or more regiments of infantry, but separate battalions and separate companies may be assigned thereto. There shall be such number of brigades composed of

such infantry organizations as the governor may direct. A brigade shall be commanded by a brigadier-general. The staff of a brigade shall consist of officers detailed from the various staff corps and departments, as follows:

One adjutant-general, major, adjutant-general's department.

[One quartermaster, major, quartermaster's department.]

[One commissary, major, subsistence department.]

[One surgeon, major, medical corps.]

Two aides, lieutenants, from the national guard.

In addition to the officers above specified [the governor upon the recommendation of] the major-general may detail from the national guard for duty on the staff of the division or on the staff of a brigade such other officers as may be considered necessary.

The ranking officer of the quartermaster's department, subsistence department] corps, medical corps, corps of engineers, ordnance department and signal corps on the staff of the division shall be respectively designated as chief quartermaster, [chief commissary,] chief surgeon, chief engineer, chief ordnance officer and chief signal officer, but such designations shall not constitute such officers chiefs of the staff departments to which they belong.

] 3. Section thirty-two of said chapter, as amended by chapter three hundred and seventy of the laws of nineteen hundred and nine and by chapter one hundred and sixty-seven of the laws of nineteen hundred and eleven, is hereby further amended to read as follows:

§ 32. Staff departments. There shall be the following departments consisting of officers of number and rank hereinafter specified necessary for the staffs of the division, the brigades, and for duty with the several organizations of the national guard, as follows: An adjutant-general's department, consisting of *one adjutant-general, colonel*, two adjutants-general, lieutenant-colonels and [four] *five* adjutants-general, majors; an inspector-general's department, consisting of *one inspector-general, colonel*, [three] *two* inspectors-general, lieutenant-colonels and five inspectors-general, majors; a judge-advocate-general's department, consisting of *one judge-advocate, lieutenant-colonel*, and [four] *five* judge-advocates, majors; [a] *quartermaster's department*, consisting of *one deputy quartermaster-general, lieutenant-colonel*,

and five quartermasters, majors; a subsistence department, consisting of one deputy commissary-general, lieutenant-colonel, and four commissaries, majors; a paymaster's department, the duties of which shall be performed by the adjutant-general of the state and his assistants ex officio;] an ordnance department, consisting of one [lieutenant-]colonel, [five] one major[s], fourteen captains, seventeen first lieutenants; a medical department to consist of the medical corps composed of one colonel, two lieutenant-colonels, twenty-two majors, one hundred and twenty-one captains and first lieutenants, and the hospital corps, field hospitals and ambulance companies.

Upon the recommendation of the major-general the governor may appoint and commission such additional officers not above the rank herein prescribed as may be necessary to properly perform the duties of the departments hereby created[.] and of the quartermaster corps.

There shall also be appointed [fifty-nine post quartermaster sergeants, thirteen post commissary sergeants and] twenty-two ordnance sergeants who shall belong [respectively] to [the quartermaster's department, the subsistence department and] the ordnance department.

The quartermaster's subsistence and pay departments are hereby consolidated into and shall hereafter be known as the quartermaster corps. The officers of said departments shall hereafter be known as officers of said corps and by the titles of the rank held by them therein at the date this act takes effect. The non-commissioned officers now known as post quartermaster sergeants and post commissary sergeants shall hereafter be known as quartermaster sergeants. The quartermaster corps shall consist of one colonel, two lieutenant-colonels, eight majors, eight captains and such number of quartermaster sergeants, master electricians, sergeants first class, sergeants, corporals, privates first class, privates and cooks as the governor may from time to time by order prescribe and organized as he may by order from time to time direct. The duties heretofore appertaining to the pay department shall continue to be discharged by the adjutant-general of the state and his assistants ex officio.

[The hospital corps shall consist of sergeants first class, ser-

geants, corporals, privates first class, and privates. There shall be enlisted in or assigned to the detachments of hospital corps with each regiment and each twelve companies of engineers and each coast artillery district one sergeant first class, four sergeants, five corporals, twenty privates first class, and privates; with each separate battalion and squadron one sergeant first class, two sergeants, six privates first class, and privates; with each separate troop and company of signal corps one corporal, three privates first class, and privates; with each separate battery of field artillery, one corporal, two privates first class, and privates; with each field hospital, three sergeants first class, six sergeants and corporals, and forty-eight privates first class, and privates; with each ambulance company two sergeants first class, seven sergeants and corporals, and seventy privates first class, and privates.

The minimum enlisted strength of a field hospital shall be three sergeants first class, six sergeants, twenty-four privates first class, and privates.

The minimum enlisted strength of an ambulance company shall be two sergeants first class, seven sergeants, thirty-four privates first class, and privates.】

The hospital corps shall consist of sergeants first class, sergeants, corporals, privates first class, acting cooks, musicians and privates. Privates first class and privates may be rated as acting cooks, musicians, artificers, furriers, saddlers, drivers and by any other titles authorized for the hospital corps of the medical department of the United States army. The maximum enlisted strength of sanitary units and detachments of sanitary troops shall be: of a field hospital fifty-seven enlisted men, of whom three may be sergeants first class, six sergeants and corporals, two musicians and the remainder shall be privates first class and privates; of an ambulance company seventy-nine enlisted men, of whom two may be sergeants first class, seven sergeants and corporals, one musician and the remainder shall be privates first-class and privates; of a detachment attached to a regiment of infantry, of cavalry, of field artillery, to a provisional regiment of engineers and to a provisional regiment of coast artillery thirty enlisted men, of whom one may be a sergeant first class, four sergeants, five corporals, and the remainder shall be privates first class and privates; of a de-

tachment attached to a battalion or squadron not part of a regiment nine enlisted men, of whom one may be a sergeant first class, two sergeants and corporals and the remainder shall be privates first class and privates; of a detachment attached to each company of signal corps four enlisted men, of whom one may be a sergeant or corporal and the remainder shall be privates first class and privates; of a detachment attached to a troop of cavalry or battery of field artillery not part of a regiment, battalion or squadron four enlisted men, of whom one may be a sergeant or corporal and the remainder shall be privates first class and privates.

The minimum enlisted strength of a field hospital shall be thirty-three. The minimum enlisted strength of an ambulance company shall be forty-three. The minimum enlisted strength of a detachment of sanitary troops attached to a regiment, provisional regiment or artillery district shall be twenty-two. The enlisted strength of any other detachment of sanitary troops may be fixed by the governor upon the recommendation of the major-general.

Upon the recommendation of the major-general the governor may fix the number of noncommissioned officers, privates first class, and privates of the hospital corps and increase or decrease the number of departmental noncommissioned staff officers.

§ 4. Section thirty-three of said chapter, as amended by chapter three hundred and seventy of the laws of nineteen hundred and nine, is hereby further amended to read as follows:

§ 33. Corps of engineers. There shall be a corps of engineers to consist of **[one]** two colonels, **[two]** one lieutenant-colonel**[s]**, **[seven]** eight majors, nineteen captains, thirteen first lieutenants, fifteen second lieutenants, one chaplain, three sergeants-major, three quartermaster sergeants, one band organized as prescribed for an infantry band, and twelve companies which shall be organized into three battalions.

A battalion of engineers shall have:

One major.

One adjutant (captain).

One quartermaster and commissary (second lieutenant).

One sergeant-major.

One quartermaster-sergeant and

Four companies.

The three battalions may be organized as a regiment for purposes of administration, drill and instruction.

A company of engineers shall have one captain, one first lieutenant, one second lieutenant.

The minimum enlisted strength of a company of engineers shall be:

One first sergeant.

One quartermaster-sergeant.

Four sergeants.

Six corporals.

Two cooks.

Two musicians.

Twenty-one privates first class and

Twenty-one privates second class.

The maximum enlisted strength of a company of engineers shall be one hundred and sixty-four men.

The governor upon the recommendation of the major-general may increase the number of sergeants to twelve, the number of corporals to eighteen, the number of first class privates to sixty-four, and the number of second-class privates to sixty-four.

The enlisted force herein provided and the officers serving with the organized battalions shall constitute a part of the line of the national guard.

§ 5. Section thirty-four of said chapter is hereby amended to read as follows:

§ 34. Signal corps. There shall be a signal corps which shall be a staff corps and shall consist of officers of the number and **[rank]** grade herein specified necessary for the performance of the duties of signal officers on the different staffs *and other duties properly pertaining to the signal corps* and the officers assigned to duty with **[the signal companies]** *battalions, companies and detachments of the signal corps*, as follows:

one **[lieutenant-]**colonel, *who shall command the signal corps and be chief signal officer of the division.*

[four] five majors,

[two] four captains,

eight first lieutenants,

and of enlisted men, *of the number and grade as follows:*

~~【nine】~~ *five* master signal electricians,
~~【thirty】~~ *seventeen* sergeants first class,
~~【thirty】~~ *twenty-seven* sergeants,
~~【thirty】~~ *forty* corporals,
 one hundred and ~~【thirty-five】~~ *twelve* privates first class,
~~【sixty】~~ *thirty-two* privates,
~~【six】~~ *four* cooks.

[For the purposes of administration the governor may, upon the recommendation of the major-general, organize companies with a minimum enlisted strength of the different grades, as follows:

*five sergeants first class,
 five sergeants,
 ten corporals,
 two cooks,
 eighteen privates first class,
 eighteen privates.】*

A battalion of signal corps shall consist of

*one major,
 two captains,
 one master signal electrician,
 one sergeant first class,
 one sergeant,*

*four privates first class,
 two field companies.*

A company of the signal corps shall consist of

*one captain,
 three first lieutenants.*

A maximum enlisted strength of the different grades as follows:

*two master signal electricians,
 seven sergeants first class,
 ten sergeants,
 seventeen corporals,
 two cooks,
 forty-seven privates first class,
 thirteen privates,
 one telephone and telegraph detachment.*

Its minimum enlisted strength, exclusive of the telephone and telegraph detachment, shall be fifty-eight.

A telephone and telegraph detachment shall consist of one first lieutenant, and a maximum enlisted strength of the different grades as follows:

*one sergeant first class,
three sergeants,
three corporals,
seven privates first class (one as a wagoner),
three privates.*

Its minimum enlisted strength shall be eleven. It shall be a part of the company to which it is added for all purposes.

The officers and enlisted men serving with a battalion of the signal corps, exclusive of those forming part of the companies, shall from time to time be detailed by the chief signal officer of the division from the signal corps.

Of the officers authorized by this section, the governor, upon the recommendation of the chief signal officer of the division, may appoint two first lieutenants, whose eligibility shall not be restricted by the requirements as to active or prior service in section seventy-one of this chapter. The governor in his discretion may increase the strength of the signal corps hereby authorized, and may authorize the organization of an aviation company which shall constitute a part of the signal corps. In making such increase the number of additional majors, captains, first lieutenants, master signal electricians, sergeants first class, sergeants, corporals, cooks, privates first class, and privates shall be in approximately the same proportion to the number of additional companies organized as is herein prescribed.

§ 6. Section seventy-one of said chapter, as amended by chapter three hundred and seventy-one of the laws of nineteen hundred and nine, is hereby further amended to read as follows:

§ 71. Eligibility required to receive a commission in the national guard. Commissioned officers must be citizens of the United States and of the age of eighteen years and upwards. No person who has been expelled or dishonorably discharged from any military or naval organization of the state shall be commissioned unless he has re-enlisted and served as provided in this

chapter. No person shall be commissioned unless he shall possess the additional requirements herein prescribed for the particular office to which he is to be commissioned. A major-general, at the time of his appointment, must be an officer in active service in the national guard of this state of the grade of brigadier-general or field officer, and for seven successive years immediately preceding his appointment, he must have been in active service in said national guard as a commissioned officer. A brigadier-general, at the time of his appointment, must be an officer in active service in the national guard of this state of the grade of field officer, and in addition, for five successive years immediately preceding his appointment, he must have been in active service in said national guard as a commissioned officer, or he must have been in active service in the national guard of this state as a commissioned officer for a period of fifteen years, ten of which were as a field or general officer, or both combined. A colonel of the coast artillery corps or of a regiment, at the time of his appointment, must either be an officer in active service in the national guard of this state; and for three successive years immediately preceding his appointment, he must have been in active service in said national guard as a commissioned officer; or if not in active service at the time of appointment he must have had prior service of at least six years in the national guard of this state, or in the army of the United States, or in both combined, as a commissioned officer. *The colonel of the quartermaster's corps shall in addition to the above requirements be an officer who has been commissioned and served in the commissary department, and adjutant-general's department, and served at least three years as quartermaster in the national guard of this state, or in the army of the United States, or in both combined.* A lieutenant-colonel and major of the line, at the time of his appointment, must either be an officer in active service and for two successive years immediately preceding his appointment, he must have been in active service in the national guard of this state, as a commissioned officer, or if not in active service at the time of appointment, he must have had prior service of at least six years in the national guard of this state, or in the army of the United States, or in both combined, as a commissioned officer. Captains and lieutenants of regiments, battalions, squad-

rons, the corps of engineers and the coast artillery corps not elected by the members of the troops, batteries or companies and available and required for staff duty with the organization and appointed as prescribed in section seventy-four, must have served one year immediately preceding their appointments, in the national guard or naval militia of this state, as the case may be, or if not in active service at the time of their appointment, they must have had at least one year's service in the national guard or naval militia of the state or the army or navy of the United States, or both combined. Officers of the corps of engineers, the signal corps, the adjutant-general's department, the inspector-general's department, the quartermaster's department, the subsistence department, the ordnance department above the grade of captain must possess the same requirements as officers of the line of the same respective grades. Officers of such corps and departments of or below the grade of captain must have served one year immediately preceding appointment in the national guard or naval militia of the state or if not in active service at the time of appointment they must have had at least one year's service in the national guard or naval militia of the state or the army or navy of the United States or both combined. An officer of the judge-advocate-general's department must be a counselor-at-law of the supreme court of this state of *at least fifteen years' standing if of the grade of colonel*, of at least ten years' standing if of the grade of lieutenant-colonel, of at least five years' standing if of the grade of major.

An officer of the medical corps must be a graduate of an incorporated school of medicine and of *at least fifteen years' practice if of the grade of colonel*; of at least ten years' practice if of the grade of major; of at least three years' practice if of the grade of captain; and of at least one year's practice if of the grade of first lieutenant.

An officer of the signal corps must have a knowledge of signaling, telegraphy, topography and map making. A chaplain must be a regularly ordained minister of some religious denomination.

§ 7. Section seventy-four of said chapter, as amended by chapter three hundred and seventy-one of the laws of nineteen hundred and nine and by chapter ninety-nine of the laws of nineteen hundred and eleven, is hereby further amended to read as follows:

§ 74. Appointed officers and non-commissioned officers of the national guard. The major-general of the national guard shall be appointed by the governor with the consent of the senate; during the time that the senate is not in session, the governor may make such appointment, subject to subsequent confirmation by the senate. The adjutants-general of the grade of *colonel*, lieutenant-colonel and *major* shall be appointed upon the nomination of the major-general, and one adjutant-general of the grade of major shall be appointed upon the nomination of the commanding officer of each brigade. The inspectors-general of the grade of *colonel*, lieutenant-colonel and *major* shall be appointed upon the nomination of the major-general, and one inspector-general of the grade of major shall be appointed upon the nomination of the commanding officer of each brigade. The judge-advocates of the grade of [lieutenant]-colonel and *major* shall be appointed upon the nomination of the major-general, and one judge-advocate of the grade of major shall be appointed upon the nomination of the commanding officer of each brigade. The [deputy] quartermaster-general[s] of the grade of *colonel*, lieutenant-colonel, *major* and *captain* shall be appointed upon the nomination of the major-general; one quartermaster of the grade of major shall be appointed upon the nomination of the commanding officer of each brigade, and the post quartermaster-sergeants shall be appointed and warranted by the major-general upon the nomination of the commanding officer of the post for which they are appointed. The deputy commissary-general of the grade of lieutenant-colonel shall be appointed upon the nomination of the major-general; one commissary of the grade of major shall be appointed upon the nomination of the commanding officer of each brigade, and the post commissary sergeants shall be appointed and warranted by the major-general upon the nomination of the commanding officer of the post for which they are appointed. One [lieutenant]-colonel and *five majors* of the corps of engineers shall be appointed on the nomination of the major-general [and one major of the corps of engineers shall be appointed on the nomination of the commanding officer of each brigade]. One signal officer of the grade of *colonel* and *five majors* shall be appointed upon the nomination of the [commanding officer of each brigade] *major-general; first*

lieutenants assigned to companies and detachments of the signal corps shall be appointed upon the nomination of their immediate commanding officers and all other officers of the signal corps shall be appointed upon the nomination of the chief signal officer of the division. [Lieutenants assigned to companies of the signal corps shall be appointed upon the nomination of their immediate commanding officers. All other officers of the signal corps shall be appointed upon the nomination of the major-general.] The [lieutenant-]colonel and one major in the ordnance department shall be appointed upon the nomination of the major-general[; one major in the ordnance department shall be appointed upon the nomination of the commanding officer of each brigade]; one captain and one first lieutenant in the ordnance department and one ordnance sergeant shall be appointed upon the nomination of the commanding officer of each regiment; and one first lieutenant in the ordnance department and one ordnance sergeant shall be appointed upon the nomination of the commanding officer of each separate squadron and separate battalion; and one ordnance sergeant shall be appointed upon the nomination of the colonel of the corps of engineers and each colonel of the coast artillery corps. The [lieutenant-]colonel, *two lieutenant colonels*, [one] *two* majors and [one] *two* captains in the medical corps shall be appointed upon the nomination of the major-general. [One major in the medical corps shall be appointed upon the nomination of the commanding officer of each brigade.] One major and three first lieutenants in the medical corps shall be appointed upon the nomination of each colonel of the coast artillery corps, the colonel of the corps of engineers and the commanding officer of each regiment; two first lieutenants in the medical corps shall be appointed upon the nomination of the commanding officer of each separate squadron and battalion; one first lieutenant in the medical corps may be appointed upon the nomination of the commanding officer of each separate battery, separate troop, separate company and company of signal corps; and four first lieutenants in the medical corps shall be appointed upon the nomination of the commanding officer of each field hospital; four first lieutenants in the medical corps shall be appointed upon the nomination of the commanding officer of each ambu-

lance company. First lieutenants in the medical corps shall be promoted to the grade of captain after three years' service as commissioned officers in the medical corps or in the medical department or in the United States army or in any two or all of them combined, but not until they shall have passed the required examination; and should any first lieutenant neglect or refuse to appear for examination when notified to do so or fail to pass a satisfactory examination for promotion to the grade of captain in the medical corps he shall thereupon be withdrawn from active service and placed upon the retired list by the governor. The governor may appoint chaplains as follows: one for each regiment of cavalry, field artillery and infantry upon the nomination of its commanding officer; one for the corps of engineers upon the nomination of its colonel; one for each twelve companies of coast artillery upon the nomination of the officer commanding the artillery district in which such chaplain is to serve. Captains and lieutenants of regiments, battalions, squadrons, the corps of engineers and the coast artillery corps not elected by the members of the troops, batteries or companies and required for staff duty with the organizations or corps shall be appointed by the governor upon nomination as follows: in the case of regiments, battalions and squadrons by the commanding officer thereof; in the case of the corps of engineers by its colonel; in the coast artillery corps by the officer commanding the artillery district in which they are to serve. When the governor desires to create new organizations he shall have the power in the first instance to appoint all the officers necessary to commence and complete such organizations. Upon the request in writing of two-thirds of the officers of a regiment, a battalion or squadron not part of a regiment, of the corps of engineers serving with the organized battalions, or of a coast artillery district who are entitled to vote for field officers, and in case of a separate troop, battery, company, or division not part of a regiment, battalion or squadron of two-thirds of its line officers, the governor shall thereafter until such request is withdrawn by a like request in writing, fill any vacancies then existing or which may thereafter occur among the elective officers of such regiment, battalion or squadron, not part of a regiment, corps of engineers, coast artil-

lery district, separate troop, battery or division, by appointment. An officer appointed pursuant to the provisions of this section, shall be appointed upon the nomination of his immediate commanding officer approved by the immediate superior commanding officer of the officer making such nomination.

§ 8. Section seventy-five of said chapter is hereby amended to read as follows:

§ 75. Elected officers. Brigadier-generals shall be chosen by the field officers of the line of the brigade and the commanding officers of separate troops, batteries and separate companies, not part of a regiment, battalion or squadron, but in such brigade, or may be appointed by the governor whenever he shall so determine and direct. If any vacancy or vacancies exist in the position of field officer of the line, the ranking company or troop commander or commanders of the organization in which the vacancy or vacancies exist, shall be entitled to vote. Colonels, lieutenant-colonels and majors, commanders, lieutenant-commanders, navigating lieutenants and gunnery officers of battalions of the naval militia, except as otherwise provided in section fifty-nine, shall be elected by the field officers of the line, and the commissioned officers of the companies or divisions, of the regiment, battalion or squadron not part of a regiment.

A colonel, lieutenant-colonel and four majors of the coast artillery corps in each artillery district and [the] a colonel, one lieutenant-colonel and three majors of engineers shall be elected by the officers of the companies assigned to the same district, post or armory and the colonel, lieutenant-colonel and majors on duty thereat. Captains and lieutenants and ensigns of troops, batteries, companies, and division, shall be elected by the members of the respective troops, batteries, companies or divisions, who shall have performed during the period of their membership, not exceeding twelve months preceding the election at least seventy per centum of the duty required of their troop, battery, company or division and who shall not be indebted at the time to the civil association of such troop, battery, company or division, organized as provided in this chapter.

§ 9. Section two hundred and ten of said chapter, as amended by chapter three hundred and eight of the laws of nineteen hun-

dred and nine and by chapter two hundred and seventy-eight of the laws of nineteen hundred and twelve, is hereby further amended to read as follows:

§ 210. Pay. Each officer and enlisted man ordered for duty by the governor or under his authority by the major-general or the commanding officer of the naval militia shall receive the pay herein specified for every day actually on duty except when so ordered for inspection, muster, small arms practice, parade or review or field service not extending beyond one day; a private or a second class private, a musician or trumpeter, one dollar and twenty-five cents; a first class private or wagoner, one dollar and thirty-five cents; a corporal, an artificer, a farrier, a blacksmith, a saddler, a fireman of coast artillery, one dollar and forty cents; a color sergeant, a sergeant, a cook, a mechanic, a stable sergeant, an electrician sergeant second class, master gunner, one dollar and sixty cents; a first sergeant, a first class sergeant, a drum major, a chief or principal musician, an ordnance sergeant, a [post or] regimental commissary sergeant, a [post] regimental, battalion or company quartermaster sergeant, a regimental or battalion or squadron sergeant major, a sergeant major senior or junior grade, coast artillery, a sergeant of signal corps, an electrician sergeant first class, an engineer coast artillery, a chief trumpeter, two dollars; a first class sergeant signal corps, a master signal electrician, a master electrician, a chief mechanic, two dollars and twenty-five cents. *Enlisted men of the quartermaster corps shall receive the same pay as enlisted men of corresponding grades in the signal corps.* Classified and rated enlisted men shall receive such extra daily allowance as may be fixed by the governor. A non-commissioned officer performing the duties of a grade higher than his own shall receive the pay of such higher grade; a private acting as a non-commissioned officer shall receive the pay of the grade in which he is acting; each enlisted man who has served a full term of enlistment shall be entitled to additional pay at the rate of twenty-five cents per day during the second five years of his service and a further addition of twenty-five cents per day for each succeeding five years of service; men of the naval militia shall be paid according to their assimilated grade with those of the land forces herein set forth. All commissioned officers shall be entitled

to and shall receive the same pay and allowances as commissioned officers of the army or navy of the United States of equal grade and term of service. A veterinarian shall receive the pay and allowances of a second lieutenant of cavalry. Each officer and enlisted man mounted and equipped shall be paid a reasonable compensation per day for each horse actually used by him.

§ 10. This act shall take effect immediately.

(No. 22.)

AN ACT to amend the insurance law, in relation to assuring compensation to workmen injured in the course of their employment, and repealing certain sections of the labor law relating thereto.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article eleven and sections three hundred and sixty and three hundred and sixty-one of chapter thirty-three of the laws of nineteen hundred and nine, entitled "An act in relation to insurance corporations, constituting chapter twenty-eight of the consolidated laws," are hereby renumbered respectively article twelve and sections four hundred and fifty and four hundred and fifty-one thereof.

§ 2. Such chapter is hereby amended by inserting therein a new article, to be article eleven, to read as follows:

ARTICLE XI.

WORKMEN'S COMPENSATION INSURANCE LAW.

Section 375. Short title.

376. Definitions.

377. Liability of employer who accepts article.

378. Election by employer.

379. Plan of assuring payment of compensation.

380. Employees' state mutual insurance fund.

381. Effect of adopting plan of compensation.

382. Effect of failure to adopt compensation provisions

or secure approval of plan.

- Section 383. Presumption of acceptance of article by employee; rejection.
- 384. Effect of rejection by employee.
 - 385. Waiver of other rights and remedies.
 - 386. Election and agreement by infant.
 - 387. When compensation begins; medical attention.
 - 388. Schedule of compensation in case of disability.
 - 389. Schedule of compensation in case of death.
 - 390. Expenses of last sickness and burial.
 - 391. Alien dependents.
 - 392. To whom death benefits paid.
 - 393. Computation of weekly wages.
 - 394. Compensation, when payable; commutation.
 - 395. Notice of injury.
 - 396. Form of notice.
 - 397. Service of notice; imputed knowledge.
 - 398. Limitations.
 - 399. Physical examination of employee.
 - 400. Creation of industrial compensation board.
 - 401. Agreements as to compensation; approval.
 - 402. Disputed claims; how determined.
 - 403. Enforcement of liability.
 - 404. Modification of agreement or award.
 - 405. Depositing future payments with trustee.
 - 406. Preferences.
 - 407. Assignments; exemptions.
 - 408. Legal fees.
 - 409. Insurance contracts.
 - 410. Cancellation of insurance policy.
 - 411. Subrogation.
 - 412. Liability where work is performed by contract.
 - 413. Approval of premium rates.
 - 414. Employees engaged in interstate commerce.
 - 415. Responsibility of state and municipal corporations.
 - 416. Saving clause.
 - 417. When article becomes effective.
 - 418. Repeal.

§ 375. Short title of article. This article shall be known as the workmen's compensation insurance law.

§ 376. Definitions. As used in this article: 1. "Injury and personal injury" mean only violence to the physical structure of the body and such disease or infection as may either naturally or unavoidably result therefrom;

2. "Death" when mentioned as a basis for the right to compensation means only death resulting from such violence and its resultant effects occurring within two years after the accident;

3. "Employer" is synonymous with "master" and includes a natural person, partnership, joint-stock association, a stock corporation, a non-stock corporation, a municipal corporation, the state and political subdivisions thereof;

4. "Employee" is synonymous with "servant" and includes every natural person who performs services for another, in that other's trade or business, for a valuable consideration, exclusive of a casual employment, except a farm laborer, domestic servant and a person to whom articles and materials are given to be made up, cleaned, washed, finished, repaired or adapted for sale in the worker's own home or on other premises not under the control or management of the employer, but the term "domestic servant" as used in this definition shall not include any employee of a hotel or restaurant;

5. "Wages" means the money rate at which the service rendered is recompensed under the contract of hiring in force at the time of the accident. The reasonable value of board, rent, housing, lodging or similar advantage received from the employer shall be included in the agreement for compensation or in the award determined as herein provided.

§ 377. Liability of employer who accepts article. Every employer shall pay compensation to an employee who receives accidental personal injuries arising out of and in the course of his employment and to the dependents of any employee whose death is caused by such injury, according to the schedule contained in this article if before any such injury occurs, the employer shall have duly elected as provided in this article to pay such compensation to such employee or his dependents and if the employee shall not have rejected the provisions of this article in the manner

specified in section three hundred and eighty-four, provided such injury is not caused by the wilful intention of such employee to injure himself.

§ 378. Election by employer. An employer may elect to accept the provisions of this article and to pay compensation to his employees or to their dependents as herein provided by filing with the superintendent of insurance a written statement to the effect that such employer accepts the provisions of this act and that he adopts, subject to the approval of the superintendent of insurance, one of the four plans provided for the payment of the compensation in section three hundred and seventy-nine. Every employer so electing to become subject to the provisions of this article shall post in a conspicuous place in his shop, factory, office, station, dock, building or place where employees are usually hired a notice in the form prescribed by the superintendent of insurance that he has accepted and is bound by the provisions of this article.

§ 379. Plan of assuring payment of compensation. Every employer who shall have accepted the provisions of this article may submit to the superintendent of insurance a statement in which he shall elect to adopt one of the following plans for the payment of compensation:

1. To make payment directly to his employees or their dependents. If such plan be adopted he shall furnish satisfactory proof to the superintendent of insurance of his financial ability to pay such compensation, or may deposit with the superintendent, or with trustees or a trust company approved by him, securities of the class described in section thirteen of this chapter, in an amount to be determined by the superintendent of insurance, to secure the liability of such employer and the payment of compensation under this article.

2. To insure the payment of such compensation in any insurance company or companies authorized to transact such business in the state of New York.

3. To insure the payment of such compensation in any mutual insurance association authorized under the laws of the state of New York to transact such business.

4. To contribute to a fund to be administered by the superin-

tendent of insurance and to be known as the employees' state mutual insurance fund.

The superintendent of insurance may approve or reject the plan proposed. If rejected, the employer may submit another plan under the provisions of this section. The superintendent of insurance may from time to time revise or alter his decision in approving the election of an employer to adopt any one of the foregoing plans of securing payment of compensation, if in his judgment such action is necessary or desirable to secure and safeguard such payment to employees. Any decision of the superintendent of insurance under this section may be reviewed by writ of certiorari in the supreme court.

§ 380. Employees' state mutual insurance fund. 1. Establishment. There shall be established in the state insurance department a fund to be known as the employees' state mutual insurance fund, provided twenty-five or more employers having in the aggregate not less than five thousand employees make application in writing to the superintendent of insurance.

2. Administration. The superintendent of insurance shall thereupon assume the administration of such fund, classify the establishments or industries of such employers in groups in accordance with their relative hazard and shall determine the amount of the premiums or assessments to be paid by each employer to the fund. Within a reasonable time after the passage of this act and thereafter at the beginning of each calendar year, the superintendent of insurance shall fix the amount of the initial premium to be paid by each employer to the fund, and such employer shall be subject to such additional assessment at the end of each semi-annual or annual period as may be necessary to create a reserve which improved at three per centum interest will meet all future payments of compensation for losses sustained during the current year, including medical and burial expenses and cost of administration.

3. Default of payments. If any employer shall after demand default in the payment of any premium or assessment as prescribed herein, the superintendent of insurance may enforce such payment by an action at law. In the event of an accident to an employee during the period of default, such employee or his de-

pendents may sue for damages without limit as to the amount of recovery.

4. Withdrawal. Any employer may withdraw from participation in the employees' state mutual insurance fund, provided he has given written notice of such withdrawal to the superintendent of insurance at least thirty days before the expiration of the period of one year from which he has elected to contribute to the fund and has paid all the required premiums and assessments.

5. Surety bond. The superintendent of insurance shall give a bond with two or more sureties in the sum of twenty-five thousand dollars to be approved by the state comptroller, conditioned for the faithful administration of the fund. The cost of such bond shall be charged to the fund.

6. Investments. The moneys collected from employers under the provisions of this act shall be deposited at interest by the superintendent of insurance as trustee for the employees' state mutual insurance fund in such banks and trust companies designated by him, that will furnish surety bonds for the guarantee of such deposits, or may be invested in such securities as are prescribed by law for the investments of life insurance companies.

7. Employees. The superintendent of insurance shall employ such actuaries, accountants, legal, clerical, and other assistants as may be necessary for the proper administration of the fund, and fix their salaries. The salaries of such employees and their traveling and other necessary expenses shall be charged to and paid from such fund.

8. Claims. All claims for compensation made against such fund shall be paid therefrom by the superintendent of insurance subject to the approval or award of the industrial compensation board.

9. Controversies. All disputed claims for compensation shall be settled in the manner provided for the settlement of claims made by employees or their dependents against employers who shall have selected any other plan for the payment of the compensation under this act.

10. Employers' records. Every employer who shall elect to contribute to this fund shall keep a true and accurate record of the number of his employees and the wages paid by him and

shall furnish to the superintendent of insurance upon demand a sworn statement of same. Such record shall be open for inspection at any time and as often as the superintendent of insurance, or any assistant designated by him shall require to verify the number of employees and the amount of the payroll.

11. Inspections. For the purpose of determining premium rates the superintendent of insurance shall have the authority to inspect the plants and establishments of employers contributing to this fund and the inspectors designated by him shall have free access to all such premises during regular working hours.

12. Annual report. The superintendent of insurance shall include in his annual report to the legislature a full statement of the administration of the fund, showing its financial condition.

§ 381. Effect of adopting plan of compensation. If any employer shall have elected to pay compensation according to the provisions of this article and shall have duly complied with section three hundred and seventy-nine, such election shall be binding on such employer for the term of one year from the date of approval by the superintendent of insurance of the plan of payment of compensation adopted by such employer, and for succeeding terms of one year each, unless and until such employer shall at least thirty days before the expiration of any such yearly term file in the office of the superintendent of insurance a notice in writing to the effect that he desires to withdraw his election to be subject to the provisions of this act and shall post such notice of withdrawal in the same places as herein required for the acceptance by any such employer of the provisions of this article.

§ 382. Effect of failure to adopt compensation provisions or secure approval of plan. An employer who shall not have filed notice of acceptance of the provisions of this article and obtained the approval of the superintendent of insurance of a plan for the payment of compensation as provided by section three hundred and seventy-nine hereof, or as to whose adoption of a plan of payment of compensation the superintendent of insurance shall have withdrawn his approval prior to the happening of the accident, or who has defaulted in the payment of premiums as provided in section three hundred and eighty, shall not be permitted in an action against him for fatal or non-fatal personal

injuries to an employee, except an employee specifically excluded from the operation of this article, to set up as a defense that such injury was caused by the negligence of a fellow employee, or that such employee assumed the risks of his employment, or that the injury was due to the contributory negligence of such employee; but such employer may defend any such action on the ground that the injury was caused by the wilful intention of the employee to bring about the injury. Provided, however, no employer who has in good faith submitted to the superintendent of insurance a statement in which he elects to adopt one of the plans prescribed in section three hundred and seventy-nine hereof shall, pending the approval by the superintendent of the plan submitted by him or within ten days after the disapproval or withdrawal of approval thereof, be subject to the provisions of this section, if within such time as may be prescribed by the superintendent after the notice of injury referred to in sections three hundred and ninety-five, three hundred and ninety-six and three hundred and ninety-seven hereof such employer shall file in the office of the said superintendent a bond or undertaking, similar to that prescribed by the code of civil procedure in order to stay execution pending an appeal, guaranteeing the payment of any amount that may be found due or to become due under the compensation provisions of this article to any employee of such employer injured during the period pending the approval by the superintendent of insurance of the plan submitted or within ten days after his disapproval or withdrawal of approval thereof.

§ 383. Presumption of acceptance of article by employee; rejection. Every employee to whom this article applies shall be presumed to have accepted the provisions of this article and to have elected to accept compensation hereunder in lieu of all other remedies as to any employer who has duly elected to pay compensation hereunder and has duly complied with all the provisions of section three hundred and seventy-nine of this article until such employee shall have delivered to his employer a notice in writing that he elects not to accept the provisions of this article and has sent by registered mail to the superintendent of insurance

a copy of such notice. An employee who shall give such notice to his employer in writing may withdraw such election by notice in writing similarly given and mailed.

§ 384. Effect of rejection by employee. If an employee rejects the provisions of this article as to any employer who has accepted its provisions and has obtained the approval of the superintendent of insurance to a plan for the payment of compensation under section three hundred and seventy-nine, and as to whose adoption of a plan of payment of compensation the superintendent shall not have withdrawn his approval prior to the happening of the accident, such employee may interpose in an action against him for fatal or non-fatal personal injuries to such employee caused by such accident the defenses of negligence of a fellow servant, assumption of risk and contributory negligence.

§ 385. Waiver of other rights and remedies. When an employer has duly accepted the provisions of this article and has duly complied with the provisions of section three hundred and seventy-nine hereof, he shall not be liable to any employee or to a dependent of any employee by reason of fatal or non-fatal personal injuries occurring to such employee while such election is in force, except to the extent specified in the schedule contained in this article, unless such employee shall have rejected the provisions of this article prior to such injury, as provided in section three hundred and eighty-three hereof, in which event the rights of the parties shall be determined as herein provided. The various elections by employers and employees when duly made as herein provided shall constitute a waiver of any rights or remedies in respect to the matters herein set forth as herein specified, and shall bind the employers, their executors and administrators, and shall bind the employees, their personal representatives, widows, next of kin and other dependents.

§ 386. Election and agreement by infant. Every election to accept the provisions of this article which may be made by a natural person under the provisions of this article may be made in the same manner by any infant employee, and such election shall be binding on such infant. Compensation payable to an infant employee may be paid to such employee directly or to

such employee's general guardian, but no such general guardian shall be permitted to receive any compensation on behalf of such infant under the provisions of this article until such general guardian shall have been duly appointed as such by a court of competent jurisdiction and shall have filed a bond approved by the court, as provided by law. An agreement for compensation may be made directly with an infant employee, or with his general guardian, but in either case shall not be binding until it is approved in writing by the industrial compensation board.

§ 387. When compensation begins; medical attention. Compensation shall not be allowed for the first fourteen days after disability begins, provided, however, that if the disability continues for eight weeks or more, compensation shall be allowed for the full period. During the first fourteen days after disability begins the employer shall be liable for reasonable medical and hospital services and medicines, as and when needed, not to exceed fifty dollars in value. An additional fee not exceeding fifty dollars shall be allowed for a major amputation.

§ 388. Schedule of compensation in case of disability. The following schedule of compensation is hereby established:

1. Total disability. In case of permanent total disability, sixty per centum of the wages received at the time of injury, payable during the life of the injured employee, but the compensation shall not be more than ten nor less than five dollars per week, but if at the time of the injury an employee receives wages of less than five dollars per week he shall receive the full amount of the wages per week as compensation. In case of temporary total disability, sixty per centum of the wages received at the time of the injury, payable during the continuance of such temporary disability.

2. Partial disability. For disability partial in character, except the particular cases mentioned in subdivision three, sixty per centum of the difference between the wages received at the time of the injury and the wage-earning capacity of the employee thereafter, but such compensation shall not be more than ten dollars per week. Such compensation shall be paid during the period of such partial disability not, however, beyond three hundred weeks.

3. Permanent partial disability. For permanent partial disability of the following classes the compensation, except surgical and medical fees, as provided herein, shall be as follows:

Hand. For the loss of a hand, sixty per centum of wages during two hundred and six weeks.

Arm. For the loss of an arm, sixty per centum of wages during two hundred and fifty-eight weeks.

Foot. For the loss of a foot, sixty per centum of wages during one hundred and seventy-five weeks.

Leg. For the loss of a leg, sixty per centum of wages during two hundred and fifty-eight weeks.

Eye. For the loss of an eye, sixty per centum of wages during one hundred and fifty-four weeks.

Both hands, et cetera. The loss of both hands, or both arms, or both feet, or both legs, or both eyes, or of any two thereof, shall constitute total disability, to be compensated, according to the provisions of subdivision one of this section.

Amputations. Amputation between the elbow and the wrist shall be considered as the equivalent of the loss of a hand. Amputation between the knee and the ankle shall be considered as the equivalent of the loss of a foot. Amputation at or above the elbow shall be considered as the loss of an arm. Amputation at or above the knee shall be considered as the loss of a leg.

Loss of use. Permanent loss of the use of a hand, arm, foot, leg or eye shall be considered as the equivalent of the loss of such hand, arm, foot, leg or eye.

Limitation on compensation. Compensation under this subdivision shall not be more than ten nor less than five dollars per week, but if at the time of the injury the employee receives wages of less than five dollars per week, he shall receive the full amount of such wages per week as compensation. If, in an accident, an employee receive an injury resulting in permanent partial disability and in the same accident receive additional injury, which, by itself, entitles him to compensation, or if he be injured in the service of the same employer while entitled to or receiving payments for a previous injury, the amount of the periodical payment to him for such combined injuries shall be computed as for a single injury as provided for and limited by this section hereof,

but in such case the periods of time prescribed for such combined injuries, severally, shall be added together.

Notwithstanding any agreement or award, the employer may continue such injured employee in his service at suitable work and if the employee accept such work and continue in his employer's service, compensation in any case of injury shall be suspended while the injured employee is at work for which he receives wages which do not fall below ninety per centum of the wages he was receiving at the time of the accident. If his wages fall below such ninety per centum, an amount of compensation shall be payable equal to the difference between said ninety per centum and such wages, not to exceed, however, fifty per centum of the wages he was receiving at the time of the accident.

The time during which the employee is so employed shall effect a reduction to that extent in the aggregate period for which payments would otherwise be due.

4. Effect of death after injury. If the employee dies as a result of the injury, the period during which compensation shall be payable to his dependents under section three hundred and eighty-nine of this article shall be reduced by the period during or for which compensation was paid to him in his lifetime under this section of this article. No reduction shall be made for the amount which may have been paid for medical and hospital services and medicines or for the expenses of the last sickness or burial. If the employee dies from other cause than the injury there shall be no liability for compensation to accrue after his death. Questions as to who constitute dependents and the extent of their dependency shall be determined as of the date of the accident to the employee.

§ 389. Schedule of compensation in case of death. In case of death, compensation shall be computed on the following basis and distributed to the following persons: 1. To the child or children, if there be no widow or widower, forty per centum of wages of deceased, with ten per centum additional for each child in excess of two, with a maximum of sixty per centum to be paid to their guardian.

2. To the widow or widower, if there be no children, forty per centum of wages.

3. To the widow or widower, if there be one or two children, fifty per centum of wages.

4. To the widow or widower, if there be three or more children, sixty per centum of wages.

5. If there be neither widow, widower, nor children, then to the father and mother, or the survivor of them, if wholly dependent upon the employee for support at the time of his death, forty per centum of his wages. If partially dependent, twenty per centum of his wages.

6. If there be neither widow, widower, children nor dependent parent, then to the brothers and sisters, if actually dependent to any extent upon the decedent for support at the time of his death, twenty-five per centum of wages for one brother or sister and five per centum additional for each additional brother or sister, with a maximum of forty per centum.

7. In computing compensation to children and to brothers and sisters, only those under sixteen years of age if males and eighteen years of age if females, or those over that age incapable of self-support, shall be included, and only during the period in which they are under that age or disability, after which payment on account of such person shall cease. In computing compensation to widows, only a widow living with the employee at the time of the accident or who is then actually dependent upon him for support shall be considered. In computing compensation to widowers, only those who are incapable of self-support at the time of the accident and who were dependent upon the deceased for support shall be considered. The terms "child" or "children" shall include step-children and adopted children if members of deceased's household at the time of his death, and shall include posthumous children. If any dependent of a deceased employee die, or if the widow remarry, the right of such dependent or such widow to compensation under this section of this article shall cease. Upon the death or remarriage of a widow, the compensation to the children shall be computed and paid as if they were orphans.

8. The wages upon which death compensation shall be based, except as hereinafter provided, shall not in any case be taken to exceed twenty dollars per week or to be less than ten dollars per

week. This compensation shall be paid during three hundred and fifty weeks and in the case of children entitled to compensation under subdivision one of this section, the compensation shall continue until the age of sixteen for male children and until the age of eighteen for female children; provided, however, that payments to children incapable of self support shall in no event be made for a period less than three hundred and fifty weeks.

§ 390. Expenses of last sickness and burial. Upon the death of an employee, whether or not there be dependents entitled to compensation, the reasonable expenses of the last sickness and burial, not exceeding one hundred dollars, without deduction of any amount theretofore paid for compensation or for medical expenses shall be paid.

§ 391. Alien dependents. Compensation under this article to alien dependents, widows, children and parents, not residents of the United States, shall be the same in amount as is provided in each case for residents, except that at any time within one year after the death of the injured employee, the employer may, at his option, commute all future instalments of compensation to be paid to such alien dependents by paying to them one-half of the total amount of such future instalments of compensation. Alien widowers, brothers and sisters not residents of the United States shall not be entitled to any compensation.

§ 392. To whom death benefits paid. Payment of compensation on account of death may be made directly to any adult dependents or to a widow for the use of herself or for the use of herself and child or children and her written receipt therefor shall acquit the employer. Payment may be made directly to any child eighteen years of age or over and written receipt therefor of such child shall acquit the employer. Where payment is due to a child under eighteen years of age, the same shall be made to a duly appointed and qualified guardian except as hereinbefore provided. Written receipt therefor of such guardian shall acquit the employer. Payment can be made in other cases to an authorized representative.

§ 393. Computation of weekly wages. An employee's weekly wages shall be considered to be one-fiftieth of the total wages which he shall have earned from all occupations during the year

immediately preceding the accident, unless it appear that during such year by reason of exceptional causes such period of computation does not fairly ascertain the earnings of the employee, in which case the period of calculation shall be extended so far as to give a fair basis for the ascertainment of his average weekly wages. In continuous employments, if immediately prior to the accident the rate of wages is fixed by the day or hour or by the output of the employee, his weekly wages shall be taken to be six times his average daily earnings, using as the basis of calculation his earnings during so much of the preceding six months as he worked for the same employer. Where the employee is working under concurrent contracts with two or more employers, his wages from all employers shall be considered as if earned from the employer liable for compensation.

§ 394. Compensation, when payable; commutation. The amounts of compensation payable under the provisions of this article shall be payable periodically in accordance with the method of payment of the wages of the employee at the time of his injury or death, and shall be so provided for in any agreement or award, but the parties may agree that such payments may be made monthly, and execution may issue for any unpaid instalments or instalments due under a judgment. Such amounts may be commuted at any time at the present worth thereof at four per centum per annum to one or more lump sum payments by the industrial compensation board upon the application of either party, in its discretion, provided the same be in the interest of justice. Unless so approved no compensation payments shall be commuted.

§ 395. Notice of injury. Unless the employer shall have actual knowledge of the occurrence of the injury or unless the employee or some one in his behalf or some of the dependents or some one in their behalf shall give notice thereof to the employer within fourteen days after the accident no compensation shall be due until such notice is given or knowledge obtained. If the notice be given or the knowledge obtained within ninety days after the accident and if the employee or other beneficiary shall show that his failure to give prior notice was due to his mistake or ignorance of fact or of law, or to his physical or mental inability, or to the fraud, misrepresentation or deceit of another

person, or to any other reasonable cause of excuse, then compensation shall be allowed for the full period. Unless knowledge be obtained or notice given within ninety days after the accident, no compensation shall be allowed.

§ 396. Form of notice. The notice referred to in the last preceding section shall be substantially in the following form:

To (name of employer).

You are hereby notified that an injury of the following character (.....) was received by (name of employee injured), who was in your employment at (place) while engaged as (.....) on or about the (.....) day of (.....) Anno Domini (.....), and that compensation will be claimed therefor.

Date;

Signed (.....).

but no variation from this form shall be material if the notice is sufficient to advise the employer that a certain employee, by name, received an injury, the character of which is described in ordinary language, in the course of his employment on or about a time specified and at or near a place specified.

§ 397. Service of notice; imputed knowledge. A notice to be served on an employer pursuant to this article may be served in either of the following ways:

1. If the employer be a natural person or partnership, personally upon such individual employer or a member of such partnership.

2. If the employer be a corporation, either foreign or domestic, personally upon the president, vice-president, secretary or treasurer thereof.

3. If the employer be either a natural person or corporation or partnership, personally upon the manager, superintendent or other person in charge of the works or business in which the accident occurred.

4. If the employer be either a natural person or corporation or partnership, by sending it through the mail to the employer, at his or its last known residence or place of business.

The knowledge of the occurrence of the injury on the part of such agents shall be knowledge of the employer.

§ 398. Limitations. In case of personal injury, all claims for compensation shall be forever barred unless, within one year after the accident, the parties shall have agreed upon the compensation payable under this article, or unless, within one year after the accident, the claim shall have been submitted to the industrial compensation board. In case of death, all claims for compensation shall be forever barred, unless, within one year after the death, the parties shall have agreed upon the compensation under this article, or unless, within one year after the death, the claim shall have been submitted to the industrial compensation board. Where, however, payments of compensation have been made in any case, said limitation shall not take effect until the expiration of one year from the time of the making of the last payment.

§ 399. Physical examination of employee. After an injury, the employee, if so requested by his employer, must submit himself for examination at some reasonable time and place, convenient to his residence, and as often as may be reasonably requested, to a physician or physicians legally authorized to practice under the laws of such place, who shall be selected and paid by the employer. If the employee requests, he shall be entitled to have a physician or physicians of his own selection, to be paid by him, present to participate in such examination. For all examinations, after the first, the employer shall pay the reasonable traveling expenses and loss of wages incurred by the employee in order to submit to such examination. The refusal of the employee to submit to such examination shall deprive him of the right to compensation under this article during the continuance of such refusal. When a right to compensation is thus suspended, no compensation shall be payable for the period of suspension.

§ 400. Creation of industrial compensation board. There is hereby created a board which shall be known as the industrial compensation board, consisting of five members to be appointed by the governor, by and with the consent of the senate, one of whom shall be designated by the governor as chairman. Appointments may be made during the recesses of the senate, but shall be subject to confirmation by the senate at the next ensuing session of the legislature. The term of office of members of the board

shall be five years, except that when first constituted one member shall be appointed for three years, two for four years and two for five years. Thereafter their successors shall be appointed for the full term of five years. The salary of the chairman of the board shall be seven thousand dollars a year and the salary of the other members shall be six thousand dollars a year. The board may appoint a secretary at a salary of not more than five thousand dollars a year. The board shall be provided with an office in the capitol, or in some other suitable building in the city of Albany in which its records shall be kept, and it shall also be provided with necessary office furniture, stationery and other supplies. The board or any of its members may hold meetings at any place within the state designated by the board. It shall provide itself with a seal for the authentication of its orders, awards and proceedings, upon which shall be inscribed the words "Industrial Compensation Board — New York — Seal." It may employ such legal, clerical and other assistants as may be necessary. The members of the board and its assistants shall be entitled to receive from the state their actual and necessary expenses while travelling on the business of the board. All such salaries and expenses when audited shall be allowed and paid in the manner prescribed for similar expenditures in other departments or branches of the state service.

Process and procedure under this article shall be as summary as reasonably may be. The board or any member thereof shall have the power to administer oaths, take depositions, issue subpoenas, compel the attendance of witnesses and the production of books, accounts, records, documents and testimony.

§ 401. Agreements as to compensation; approval. An employee entitled to compensation under the provisions of this article may enter into an agreement with his employer for such compensation as to the amount and payment thereof, which agreement shall not be binding until filed in the office of the industrial compensation board and approved by it. A payment of any less sum than that required under the provisions of this article shall not be a discharge of the employer's responsibility for compensation hereunder.

Any party in interest may present a certified copy of such

agreement with the approval of the industrial compensation board indorsed thereon to a judge of the court of record which would have jurisdiction of a civil action between the parties, whereupon such judge shall render a decree in accordance therewith, and such decree shall have the same effect and all proceedings in relation thereto shall thereafter be the same as though such decree had been rendered in an action duly heard and decided by such court.

§ 402. Disputed claims; how determined. In case of a failure to agree upon a claim for compensation pursuant to this article, the claim may be submitted by either party to the industrial compensation board.

The board shall have full power and authority to hear and determine all questions in relation to the payment of claims for compensation under the provisions of this article.

If a claim be submitted to the industrial compensation board it shall make the necessary inquiries and investigations in respect thereto, in the manner herein provided, and shall render a decision on such claim with conclusions of fact and rulings of law, and cause a copy of such decision and of such conclusions and rulings to be given to the parties. The decision shall be filed with the record of proceedings and the parties notified accordingly. The decision of the board shall be final as to all questions of fact. Any party in interest may present a certified copy of any such decision to a judge of a court of record which would have jurisdiction of a civil action between the parties, whereupon such judge shall render a decree in accordance therewith and such decree shall have the same effect and all proceedings in relation thereto shall thereafter be the same as though such decree had been rendered in an action duly heard and decided by such court. Provided, however, that the right of appeal from such decree shall be limited to questions of law.

§ 403. Enforcement of liability. Any person entitled to compensation under the provisions of this article may recover the same directly from the employer or may, in his own name, in the manner provided for in this article enforce the liability assumed by the employees' state mutual insurance fund, or any insurance company or association, which has insured the lia-

bility for such compensation; provided, however, that payment in whole or in part of such compensation by either the employer or the superintendent of insurance, or the insurance company or association, carrying such risk, as the case may be, shall, to the extent thereof, be a bar to the recovery against the other of the amount so paid.

§ 404. Modification of agreement or award. An agreement for compensation approved by the industrial compensation board or an award made by it, may be modified at any time by a subsequent agreement or award. But such agreement or award shall only be modified on the ground that the incapacity of the injured employee has, subsequent to such agreement or award, increased or diminished, or that the condition of dependent has changed as to age or marriage, or by reason of the death of a dependent. If any such modification be made, any party in interest may submit same to any court which has made a decree or entered a judgment upon the agreement or award thus modified, and such decree or judgment shall be modified accordingly.

§ 405. Depositing future payments with trustee. At any time after approval of an agreement, the making of an award or the entry of a judgment thereon, a sum equal to the present value of all future instalments of compensation may, where death or the nature of the injury renders the amount of future payments certain, with the approval of the industrial compensation board, be paid to any savings bank, trust company or life insurance company in good standing and authorized to do business in this state, and having an office in the county in which judgment was entered, and such sum, together with all interest thereon, shall thereafter be held in trust for the employee or the dependents of the employee, who shall have no further recourse on such judgment. The payment of such sum, evidenced by the receipt of the trustee noted upon the clerk's docket, shall operate as a satisfaction of such judgment. Payments from such fund shall be made by the trustee in the same amounts and at the same times as are herein required until such fund and interest shall be exhausted. In the appointment of the trustees, preference shall be given, in the discretion of the board to the choice of the employee or the dependents of the deceased employee.

§ 406. Preferences. The right of compensation granted by this article shall have the same preference, without limit of amount, against the assets of the employer as is now or may hereafter be allowed by law for a claim for unpaid wages for labor.

§ 407. Assignments; exemptions. Claims or payments due under this article shall not be assignable and shall be exempt from all claims of creditors and from levy, execution and attachment or other remedy for recovery or collection of a debt, which exemption may not be waived.

§ 408. Legal fees. No claim or agreement for legal services or disbursements pertaining to any agreement, demand made or action or proceeding brought under the provisions of this article shall be an enforceable lien against the amount to be paid as compensation or be valid or binding in any other respect, unless the same be approved in writing by the industrial compensation board. After such approval, if notice in writing be given to the superintendent of insurance or to the employer or to the insurance corporation or association liable to pay compensation under the agreement or award or judgment, of such claim or agreement for legal services and disbursements, the same shall be a lien against any amount thereafter to be paid as compensation; provided, however, that where the employee's compensation is payable in periodical instalments the industrial compensation board shall fix, at the time of approval, the proportion of each instalment to be paid on account of legal services and disbursements.

§ 409. Insurance contracts. Every contract for the insurance of the compensation herein provided for or against liability therefor shall be deemed to be made subject to the provisions of this article. No corporation shall enter into any such contract of insurance unless such corporation be authorized to transact such kind of insurance business within the state, as provided by law.

§ 410. Cancellation of insurance policy. No liability insurance company or association which has issued a policy covering the liability for compensation under this article shall cancel such policy *within the time limited in said policy for its expiration, until at least ten days after notice of intention to cancel such policy on a date specified in such notice* shall be filed in the office

of the superintendent of insurance and also served on the employer in the manner provided herein for the service of a notice of injury. An employer whose policy is cancelled either by the expiration of the term for which the policy is issued or by notice from the association or company issuing the same may, on or before the date of such expiration or the date of such cancellation, if he then has any employees, submit to the superintendent of insurance and obtain his approval of a plan for the payment of compensation as provided by section three hundred and seventy-nine hereof. If on or before the date of expiration or cancellation of such policy such employer shall not have obtained the approval of the superintendent of insurance to a plan of payment of compensation under section three hundred and seventy-nine, any employee of such employer may sue for damages without limit as to the amount of recovery, as to any injury which occurs after the expiration or cancellation of any such policy. Provided, however, no employer whose policy is terminated or cancelled for any reason and who has in good faith submitted to the superintendent of insurance a new or further plan for the payment of compensation in place of the one terminated, cancelled or disapproved shall, pending the approval by the superintendent of such plan submitted by him or within ten days after the disapproval or withdrawal of approval thereof, be subject to the provisions of this section, if such employer has complied with the provisions prescribed by section three hundred and eighty-two hereof with respect to giving a bond pending the approval of any plan of payment by the superintendent of insurance or after his disapproval or withdrawal of approval thereof.

§ 411. Subrogation. Where a third person is liable to the employee or to the dependents, for the injury or death, the employer shall be subrogated to the right of the employee or to the dependents against such third person, and the recovery by such employer shall not be limited to the amount payable as compensation to such employee or dependents, but such employer may recover any amount which such employee or his dependents would have been entitled to recover. Any recovery by the employer against such third person, in excess of the compensation paid by the employer after deducting the expenses of making such recovery, shall be paid

forthwith to the employee or to the dependents, and shall be treated as an advance payment by the employer, on account of any future instalments of compensation.

§ 412. Liability where work is performed by contract. Every employee who is directly employed by an employer who is performing work as a contractor or subcontractor of another on premises other than those of the direct employer shall be deemed to be an employee of the one with whom his direct employer bears such relation of contractor or subcontractor, unless such direct employer has elected to pay compensation under this article and has duly complied with the provisions of section three hundred and seventy-nine hereof.

§ 413. Approval of premium rates. Every insurance corporation or association authorized to transact business in this state, which insures employers against liability under the provisions of this article, shall file with the superintendent of insurance its classifications of risks and premiums relating thereto, and any subsequent proposed classification of premiums, none of which shall take effect until the superintendent of insurance shall have approved the same as adequate for the risks to which they respectively apply. The superintendent of insurance may withdraw his approval of any premium or rate made by an insurance company or association, if such premium in his judgment is inadequate to provide a reserve equal to the present value of all future payments of compensation.

§ 414. Employees engaged in interstate commerce. The provisions of this article shall apply to employers and workmen engaged in intrastate commerce, and also to those engaged in interstate or foreign commerce, for whom a rule of liability or method of compensation has been or may be established by the congress of the United States, only to the extent that their mutual connection with intrastate work may and shall be clearly separable and distinguishable from interstate or foreign commerce. Provided, that whenever such employer makes an agreement with an employee or his dependents to pay the compensation and other benefits herein provided, when such employee was injured or killed while engaged in interstate commerce, the acceptance of said compensation in whole or in part shall be an accord and

satisfaction between the employee, his dependents or legal representatives and his employer of all claims or rights of action arising under any federal employers' liability law.

§ 415. Responsibility of state and municipal corporations. The state and each municipal corporation therein, as well as every political subdivision thereof, shall, without any right of election, be subject to the compensation provisions of this act; but nothing herein shall require them or either of them to obtain under section three hundred and seventy-nine hereof any approval of any plan for assuring the payment of such compensation. Provided, however, nothing herein contained shall prevent them or either of them from insuring their responsibilities hereunder; and provided further that if there be established by them or either of them a pension or other fund against which any employee who received accidental personal injuries arising out of and in the course of his employment, is or his dependents are entitled to make a claim, the amount paid to him or to others on account of such injuries under the rules or regulations of such pension or other fund may be credited upon the amount such employee or his dependents are entitled to receive under this article; and the industrial compensation board shall allow such credit in approving any agreement or in making any award.

§ 416. Saving clause. Every right of action for negligence or to recover damages for injuries resulting in death which accrued before this article takes effect, is continued, and nothing in this article contained shall be construed as affecting any such accrued right of action. Nor shall the failure to give any of the notices provided for in this article, be a bar to the maintenance of a suit upon any right of action accrued before this article shall take effect.

§ 417. When article become effective. This article shall take effect on the first day of September, nineteen hundred and thirteen, except the provisions of section three hundred and eighty, requiring the superintendent of insurance to fix the amount of the initial premium to be paid by each employer to the employee's state mutual insurance fund, the provisions of section four hundred for the appointment and organization of the industrial compensation board and the provisions authorizing or requiring the

serving, filing or posting of notices by employers or employees, all of which provisions shall take effect immediately.

§ 418. Repeal. Article fourteen-a and sections two hundred and fifteen to two hundred and nineteen-g, both inclusive, of chapter thirty-six of the laws of nineteen hundred and nine, as amended by chapter six hundred and seventy-four, laws of nineteen hundred and ten, are hereby repealed.

(No. 23.)

AN ACT making appropriations for certain expenses of government and various miscellaneous appropriations and supplying deficiencies in former appropriations.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The treasurer shall pay, on the warrant of the comptroller, from the several funds specified, to the persons, and for the purposes indicated in this act, the amounts named or so much thereof as shall be sufficient to accomplish, in full, the purposes designated by the appropriations, which several amounts are hereby appropriated out of any moneys in the treasury not otherwise appropriated. No warrant shall be issued, except in the case of salaries, until the amounts claimed shall have been audited and allowed by the comptroller, who is hereby authorized to determine the same, upon vouchers presented as required by section twelve of the state finance law. Whenever an appropriation shall have been provided otherwise the sum herein directed to be paid shall not be considered as an addition to such other appropriation unless it shall be expressly so declared in this act.

GENERAL FUND.

EXECUTIVE.

EXECUTIVE DEPARTMENT.

OFFICIAL SALARIES.

For salary of the executive auditor to the governor, from January first, nineteen hundred and thirteen, to September thirtieth, nineteen hundred and thirteen, three thousand dollars.

\$3,000 00

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| For salary of stenographer, from March 1st, nineteen hundred and thirteen, to September thirtieth, nineteen hundred and thirteen, four hundred and twenty dollars. | \$420 00 |
| For salary of confidential stenographer to the governor from March fifteenth, nineteen hundred and thirteen, to September thirtieth, nineteen hundred and thirteen, one thousand three hundred fifty-four dollars and sixteen cents. | 1,354 16 |
| For salary of executive stenographer, from April first, nineteen hundred and thirteen, to September thirtieth, nineteen hundred and thirteen, two hundred and fifty dollars. | 250 00 |

OFFICE EXPENSES.

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| For salary of confidential stenographer and index clerk from April first, nineteen hundred and thirteen, to September thirtieth, nineteen hundred and thirteen, seven hundred and fifty dollars. | 750 00 |
| For salary of the stenographer to the counsel from April first to September thirtieth, nineteen hundred and thirteen, one hundred and fifty dollars. | 150 00 |
| For professional services rendered in connection with the investigation of the management, et cetera, of the office of health officer of the port of New York, before Hon. Charles N. Bulger, commissioner, appointed for that purpose by Hon. John A. Dix, governor of the state of New York, from June fifteenth, nineteen hundred and eleven, to December fifteenth, nineteen hundred and eleven. | 5,000 00 |
| For the traveling expenses of Eckford C. de Kay, military secretary to Governor Dix, accompanying the governor under orders and trips on official business, from November fifth, nineteen hundred and eleven, to and including December thirteenth, nineteen hundred and twelve, one | |

thousand four hundred and twenty-three dollars
and fifty cents.

\$1,423 50

EXECUTIVE CLEMENCY.

For the compensation and expenses of persons employed under the direction of the governor in investigating applications for executive clemency, pardons, and restorations to citizenship to be paid on the certificate and approval of the governor, one thousand dollars.

1,000 00

EXECUTIVE MANSION.

For deficiency in appropriation for incidental expenses of the executive mansion, rent of stable and equipage, two thousand dollars, to be paid by the comptroller on the certificate of the governor or the secretary to the governor.

2,000 00

ADMINISTRATIVE.

SECRETARY OF STATE.

MOTOR VEHICLE BUREAU.

For deficiency in salary of two deputy chiefs, from April first to September thirtieth, one thousand six hundred dollars.

1,600 00

INSPECTION BUREAU.

For the establishment of an inspection bureau in connection with the automobile department, for salaries of necessary employees and other expenses in connection therewith, sixty thousand dollars.

60,000 00

OFFICIAL SALARIES.

For deficiency in salary, of private secretary and two tenth grade employees from April first, nineteen hundred and thirteen, to September thirtieth, nineteen hundred and thirteen, five hundred dollars.

500 00

TEMPORARY SERVICES.

For temporary services, one thousand dollars.

1,000 00

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| For deficiency in salary of three employees from May first to September thirtieth, nineteen hundred and thirteen, three hundred thirty-three dollars and thirty-six cents. | \$333 36 |
| For deficiency in appropriation for reindexing corporation records, including compensation for services, printing, binding, cards, cases and other necessary expenses in connection therewith, thirteen thousand five hundred dollars. | 13,500 00 |
| For personal expenses and disbursements of the secretary of state and his deputy from January first to September thirtieth, nineteen hundred and thirteen, five hundred dollars or so much thereof as may be necessary. | 500 00 |
| For expenses incident to the inauguration of William Sulzer, governor of the state of New York, four thousand eight hundred dollars or so much thereof as may be necessary. | 4,800 00 |
| For steel desks and cabinets for filing books, papers, documents, et cetera, in the corporation department, eight thousand dollars or so much thereof as may be necessary. | 8,000 00 |
| For salaries of three employees from May first to September thirtieth, nineteen hundred and thirteen, one thousand three hundred and seventy-five dollars. | 1,375 00 |

EMPLOYEES' EXPENSES.

Five thousand dollars being the unexpended balance of an appropriation made by chapter eight hundred and ten, laws of nineteen hundred and eleven, for employees' expenses is hereby reappropriated for the same purpose (re. \$5,000).

OFFICE EXPENSES.

Fourteen thousand dollars being the unexpended balance of an appropriation made by chapter eight hundred and ten, laws of nineteen hundred and eleven, for office expenses is hereby reappropriated for the same purpose (re. \$14,000).

PRESIDENTIAL ELECTORS.

For compensation and mileage of the electors of the president and the vice-president of the United States for nineteen hundred and twelve and for the expenses of the electoral college, stenographic services and printing two thousand five hundred copies of the proceedings of the electoral college, two thousand five hundred dollars.

\$2,500 00

COMPTROLLER.

OFFICIAL SALARIES.

For salary of stenographer to the deputy comptroller from May first to September thirtieth, nineteen hundred and thirteen, seven hundred and fifty dollars.

750 00

COMPTROLLER'S EXPENSES.

Six hundred thirty-two dollars and fifty-six cents being the unexpended balance of an appropriation made by chapter eight hundred and ten of the laws of nineteen hundred and eleven for the personal expenses and disbursements of the comptroller in the performance of his official duties, is hereby reappropriated for the same purpose (re. \$632.56).

TRANSFER TAX BUREAU.

GRADED EMPLOYEES.

For salary of one employee, eight grade, from May first to September thirtieth, nineteen hundred and thirteen, seven hundred and fifty dollars.

750 00

SPECIAL EXPENSES.

For expert and professional services and expenses in the matter of investigations in the administration of the United States Deposit Fund, and for other incidental expenses made necessary by new legislation, ten thousand dollars.

10,000 00

TEMPORARY SERVICES.

For temporary services, one thousand dollars.

1,000 00

ADDITIONAL SERVICES.

For the comptroller for the payment of additional services rendered by George W. McElroy in the performance of the duties of chief clerk of the transfer tax bureau, in addition to his duties as assistant chief clerk, during the period from April first, nineteen hundred and twelve, to April first, nineteen hundred and thirteen, two thousand four hundred dollars. \$2,400 00

OFFICE EXPENSES.

For deficiency in appropriation for furniture, books, binding, blanks, printing, messages and other necessary incidental office expenses, including rent of New York city office, five thousand dollars. 5,000 00

POSTAGE AND TRANSPORTATION.

For deficiency in appropriation for postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same, two thousand dollars. 2,000 00

INTEREST ON TEMPORARY LOANS.

Four thousand dollars, being the unexpended balance of an appropriation made by chapter eight hundred and eleven of the laws of nineteen hundred and eleven, for the payment of interest on temporary loans to meet legal demands on the treasury, in pursuance of section fourteen of the state finance law, is hereby reappropriated for the same purpose (re. \$4,000.00).

CORPORATION TAX BUREAU.

GRADED EMPLOYEES.

For salaries of two employees, sixth grade, from April first to September thirtieth, nineteen hundred and thirteen, one thousand two hundred dollars. 1,200 00

MORTGAGE TAX AND MUNICIPAL ACCOUNTS BUREAU.
EXAMINERS' SERVICES.

For deficiency in appropriation for services of examiners in the examination of the accounts of the several counties, except those comprising Greater New York, cities of the second and third classes, towns and incorporated villages of the state, pursuant to article three of chapter twenty-nine of the laws of nineteen hundred and nine, being the municipal corporations law, as amended by chapter five hundred and forty-four of the laws of nineteen hundred and eleven, eight thousand dollars.

\$8,000 00

COURT AND TRUST FUND.
EXAMINERS' SERVICES.

For deficiency in application for services of examiners in the examination of the accounts of the several county treasurers of the state, as required by section forty-three of chapter twenty-three of the laws of nineteen hundred and nine, being the executive law, one thousand dollars.

1,000 00

STOCK TRANSFER TAX BUREAU.
EXPENSES.

Nine thousand three hundred sixty-three dollars and eighteen cents, being the unexpended balance of an appropriation made by chapter eight hundred and ten of the laws of nineteen hundred and eleven for actual and necessary traveling expenses of the examiners and detectives in the performance of their official duties for dies, plates and printing necessary for the manufacture of stamps and for stationery, books, blanks and other necessary incidental expenses, is hereby reappropriated for the same purpose (ra. \$9,363.18).

EXAMINERS' SERVICES.

For deficiency in the services of examiners and detectives, three thousand dollars.

3,000 00

REFUND OF CANCELED STAMPS.

For refunds for stamps erroneously affixed and canceled in the payment of a tax on a transfer of stock, to be paid on satisfactory proof being furnished, fifteen thousand dollars.

\$15,000 00

PRIVATE BANKING BUREAU.

GRADED EMPLOYEES.

For deficiency in salary of one employee, twelfth grade, from January first to September thirtieth, nineteen hundred and ten, three hundred and seventy-five dollars.

375 00

SERVICES AND EXPENSES.

For compensation of employees, examiners and experts, and for traveling and other expenses in enforcing the provisions of chapter three hundred ninety-three of the laws of nineteen hundred and eleven, for examination and supervision of private bankers, five thousand dollars.

5,000 00

LAND TAX BUREAU.

LAND ACCOUNT.

For protecting and perfecting state's title to lands, two thousand five hundred dollars.

2,500 00

Nine thousand one hundred twenty-eight dollars and ninety-three cents, being the unexpended balance of an appropriation made by chapter eight hundred and ten of the laws of nineteen hundred and eleven for the payment of judgments against the state for costs duly awarded in certain actions, brought pursuant to law, to be paid on the certificate of the attorney-general, is hereby reappropriated for the same purpose (re. \$9,128.93).

TREASURER.

OFFICE EXPENSES.

For necessary expenses, including furniture, books, binding, blanks, printing and messages,

traveling and other incidental expenses, three thousand dollars.

\$3,000 00

SURETY BONDS.

For premium on surety bonds, seven hundred dollars, or so much thereof as may be necessary.

700 00

TRAVELING EXPENSES.

For the actual and necessary traveling expenses of the deputy treasurer and other employees of the office, five hundred dollars, or so much thereof as may be necessary.

500 00

ATTORNEY-GENERAL.

EXAMINERS OF TITLES.

For the employment of lawyers and abstract and title companies to examine titles to lands appropriated for barge canal purposes and other titles to property being purchased by the state and for the necessary expenses incident thereto, twenty-five thousand dollars.

25,000 00

COUNSEL.

For the payment of attorneys, counsel, special deputies, agents, experts and commissioners employed by the attorney-general in pursuance of law, including compensation of witnesses, fifteen thousand dollars.

15,000 00

FEES FOR SEARCHES.

For the payment of fees for making searches in connection with the examination of barge canal titles, ten thousand dollars.

10,000 00

ADDITIONAL COUNSEL.

Six thousand nine hundred fifteen dollars and one cent, being the unexpended balance of an appropriation made by chapter eight hundred and eleven of the laws of nineteen hundred and eleven, is hereby reappropriated for the payment of attorneys, counsel and deputies designated or employed in actions or proceedings

brought in pursuance of the provisions of the executive law; no warrant shall be issued for such payments until the amounts claimed shall be certified, audited and allowed by the attorney-general and the governor (re. \$6,915.01).

ACCOUNTANTS.

Nine thousand two dollars and fifty cents, being the unexpended balance of an appropriation made by chapter eight hundred and eleven of the laws of nineteen hundred and eleven for the compensation of accountants to examine books and accounts of receivers as required by section two hundred and forty-nine of the general corporation law, and to render such other services, if any, as the attorney-general may deem necessary, is hereby reappropriated for the same purpose (re. \$9,002.50).

LIBRARY.

One thousand six hundred sixty-six dollars and thirty-two cents, being unexpended balance of an appropriation made by chapter eight hundred and eleven of the laws of nineteen hundred and eleven for the library in the office of the attorney-general and his New York bureau for continuing sets of law reports, the purchase of new books, book cabinets, holders and miscellaneous library supplies and any other purchases made necessary by the equipment for and the repair and completion of the library, is hereby reappropriated for the same purpose (re. \$1,666.32).

For Olin H. Landreth, consulting engineer, for services and expenses in re state of New York against the state of New Jersey and the Passaic Valley sewer commission, from October twenty-second, nineteen hundred and eight, to July eighth, nineteen hundred and nine, the sum of five hundred and twelve dollars and fifty-one

cents, or so much thereof as may be necessary, to be paid on the approval of the attorney-general.

\$512 51

For Edward W. Hatch, for services and disbursements as counsel of Cornell University in an action brought by the state of New York against the university and the Brooklyn Cooperage Company, to set aside a contract which the university as the agent of the state in administering the state college of forestry made with the cooperage company, the sum of five thousand two hundred fifty-seven dollars and fifty-one cents, to be paid by the comptroller upon the approval of the attorney-general as to the value of the services.

5,257 51

C. S. AND C. C. LESTER.

For C. S. and C. C. Lester, for professional services and disbursements from September first, nineteen hundred and ten, to January first, nineteen hundred and twelve, in the supreme court of the state of New York, as special counsel for the people and the attorney-general of the state of New York in the following cases: People versus Lincoln Spring Company, Geysers Natural Gas Company, New York Carbonic Gas Company, Congress Springs Company, Harry M. Levengston, Mary A. Patterson; Lindsley versus Attorney-General at al.; People versus Natural Carbonic Gas Company, Emily H. Hathorn et al.; People versus Lincoln Spring Company, Emily H. Hathorn, et al., six thousand dollars, or so much thereof as may be necessary, payable upon the approval of the attorney-general.

6,000 00

NASH ROCKWOOD.

For Nash Rockwood, for professional services from September first, nineteen hundred and ten, to January first, nineteen hundred and twelve, in the supreme court of the state of New York, as special counsel for the people and the attorney-

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| general of the state of New York in the following cases: People versus Lincoln Spring Company, Geysers Natural Gas Company, New York Carbonic Gas Company, Congress Spring Company, Harry M. Levingston, Mary A. Paterson; Lindeley versus Attorney-General et al.; People versus Natural Carbonic Gas Company, Emily H. Hathorn, et al.; People versus Lincoln Spring Company, Emily H. Hathorn, et al., six thousand dollars, or so much thereof as may be necessary, payable upon the approval of the attorney-general. | \$6,000 00 |
| For John Franey, as county clerk of Albany county, clerk of Albany county, for unpaid fees, the indebtedness of which was incurred by preceding administrations of the attorney-general's department, during the period from December thirtieth, nineteen hundred and eight, through December nineteenth, nineteen hundred and ten, the sum of one hundred and forty-seven dollars, or so much thereof as may be necessary. | 147 00 |
| For deficiency in former appropriation to satisfy in full the claim of Gustave Hartman for services and disbursements, the indebtedness of which was incurred upon the authorization of former attorney-general O'Malley, to be paid by the comptroller upon the approval of the attorney-general, one hundred and forty-five dollars and twenty cents. | 145 20 |
| TEMPORARY SERVICES. | |
| For temporary services of attorneys, special deputies and other employees in connection with the Albany office, eight thousand dollars. | 8,000 00 |
| For counsel for the defendants for professional services rendered and disbursements made by them in the quo warranto action brought upon leave of the attorney-general to test the constitutionality of chapter eight hundred and fifty-six of the laws of nineteen hundred and eleven | |

to be paid upon the audit of the attorney-general, seven thousand dollars.

\$7,000 00

For deficiency in salary, one employee, ninth grade, from April first to September thirtieth, nineteen hundred and thirteen, one hundred and fifty dollars.

150 00

COSTS OF SUITS.

For the fees of public officers and other legal services in the prosecution or defense of actions or proceedings, two thousand five hundred dollars.

2,500 00

OFFICE EXPENSES.

For furniture, books, binding, blanks, printing, messages, postage and the transportation of letters, documents, matter sent by express or freight, including boxes or coverings for the same and other incidental office and traveling expenses, five thousand dollars.

5,000 00

LIBRARY.

For the library in the office of the attorney-general and his New York bureau for continuing sets of law reports, the purchase of new books, book cabinets, holders and miscellaneous library supplies and any other purchase made necessary by the equipment for and the repair and completion of library, five thousand dollars.

5,000 00

MISCELLANEOUS.

For services of Alonzo B. Coons as attorney in the prosecution of violations of the agricultural law, designated by former attorney-general Jackson, five hundred and seventy-one dollars and four cents.

571 04

For John P. Hurley for balance due for services and expenses in the prosecution of certain violations of the agricultural law, upon the authorization of former attorney-general O'Malley, to be paid by the comptroller upon the approval of the attorney-general, three hundred and forty dollars.

340 00

For the payment of the cost of printing the records on appeal and exhibits in actions numbers one and two, Saranac Land and Timber Company, v. Roberts, as comptroller, three thousand five hundred dollars, or so much thereof as may be necessary.

\$3,500 00

NEW YORK CITY BUREAU.

TEMPORARY SERVICES.

For temporary services of attorneys, special deputies and other employees in connection with the New York city bureau, two thousand dollars.

2,000 00

DEPARTMENT OF EFFICIENCY AND ECONOMY.

SALARIES AND EXPENSES.

For salary of commissioner from May first to September thirtieth, nineteen hundred and thirteen, five thousand dollars.

5,000 00

For salary of two deputy commissioners from May first to September thirtieth, nineteen hundred and thirteen, four thousand one hundred sixty-six dollars and sixty-six cents.

4,166 66

For expenses of two deputy commissioners from May first to September thirtieth, nineteen hundred and thirteen, eight hundred thirty-three dollars thirty-three cents, payable monthly in full in lieu of all expenses exclusive of railroad fares which may be incurred in the actual and necessary performance of their duties.

833 33

For the salaries and expenses of the secretary, examiners and other employees and for general office expenses, rent, furniture, books, blanks, printing, stationery, filing cases, postage and transportation of letters, official documents and other matters sent by mail or otherwise, and all other necessary and incidental expenses, the sum of sixty-five thousand dollars, or so much thereof as may be necessary.

65,000 00

CIVIL SERVICE COMMISSION.

COMMISSIONERS' SALARIES.

| | |
|--|------------|
| For deficiency in salaries of commissioners from April twenty-third to September thirtieth, nineteen hundred and thirteen, inclusive, two thousand six hundred and thirty-three dollars and twenty-five cents. | \$2,633 25 |
| For deficiency in appropriation for the actual and necessary traveling and other expenses of the commissioners, secretary, chief examiner, or other employees of the commission, in the performance of their official duties, two thousand five hundred dollars. | 2,500 00 |
| For deficiency in appropriation for office expenses, one thousand five hundred dollars. | 1,500 00 |
| For deficiency in appropriation for postage and expressage, one thousand dollars. | 1,000 00 |
| For services of temporary employees, including stenographers to the commissioners, one thousand eight hundred dollars. | 1,800 00 |

LEGISLATIVE.

LEGISLATURE.

CONTINGENT.

For deficiency in appropriation for expenses of legislative committees, including compensation of witnesses; for indexing the bills, journals and documents of the senate and assembly; for indexing the executive journals of the senate and for preparation of supplementary indices to senate and assembly bills, journals and documents, to be paid on the certificate of the temporary president of the senate or the speaker of the assembly, respectively; for postage and transportation of letters, reports, documents and other matter sent by express or freight, including boxes or coverings for same; for printing and furnishing the legis-

lative manual and the clerk's manual; for law and reference books and publications for the senate and assembly libraries, committees and legislature; for legislative indices to senate and assembly bills, journals and documents; for extra clerical services and engrossing; for furniture, alterations and repairs to legislative rooms, and for other contingent expenses of the legislature, to be paid on the certificate of the clerk of the senate or assembly, respectively, one hundred fifteen thousand dollars.

\$115,000 00

CLERK OF ASSEMBLY, CONTINGENT.

For advances by the comptroller to the clerk of the assembly for the clergymen officiating as chaplains, to be paid at the rate of five dollars for each day of attendance; for deficiency in appropriations for such advances; for printing, stationery, supplies, file boards and record books; for preparation, proofreading and comparison of journals and financial reports, clerical and stenographic services; for engrossing resolutions; for printing and revising clerk's manual; for books and blanks; for care of bills, documents and library; for law books and binding of books and records; for steel cases, furniture and appurtenances; for expenses for receiving reports and printed documents, storing, addressing and forwarding the same; for extra clerical services; and for other contingent expenses, forty thousand dollars.

40,000 00

For the employment, if needed, prior to the legislative session of nineteen hundred and fourteen, of persons in the legislative bill drafting department to assist in the preparation of proposed legislative bills, such persons to be designated and their compensation fixed by the president pro tempore of the senate and the speaker of

the assembly, and paid on their certificate, four thousand dollars, or so much thereof as may be necessary.

\$4,000 00

DIGEST OF STATUTES AFFECTING THE CITY OF NEW YORK.

For the preparation, under the direction of the chairman of the senate and assembly committees on affairs of cities, of a digest of all independent and collateral statutes affecting in any way the city of New York and each of the municipalities comprised within or consolidated to form said city and not contained in the Greater New York charter, ten thousand dollars, or so much thereof as may be necessary, to be paid upon the certificate of the chairman of said committees.

10,000 00

For the speaker of the assembly, for extra stenographic and clerical services, one thousand two hundred and fifty dollars or so much thereof as may be necessary.

1,250 00

For the leader of the majority of the assembly, for extra stenographic and clerical services, seven hundred fifty dollars.

750 00

For the lieutenant-governor and the speaker of the assembly, for their actual and necessary traveling and other expenses in the performance of their duties on the several boards of which they are members, one thousand dollars, or so much thereof as may be necessary.

1,000 00

For extra clerical services for the assembly ways and means committee to be paid upon the approval of the chairman of the assembly ways and means committee, one thousand five hundred dollars.

1,500 00

SENATE FINANCE COMMITTEE, CLERICAL SERVICES.

For extra clerical services for the senate finance committee, to be paid upon the approval of the chairman of the senate finance committee, two thousand dollars or so much thereof as may be necessary.

2,000 00

LIEUTENANT-GOVERNOR, CLERICAL SERVICES.

For the lieutenant-governor, for extra stenographic and clerical services, two thousand five hundred dollars, or so much thereof as may be necessary. \$2,500 00

PRESIDENT PRO TEMPORE OF THE SENATE, CLERICAL SERVICES.

For the president pro tempore of the senate, for extra stenographic and clerical services, two thousand dollars. 2,000 00

CLERK OF SENATE, CONTINGENT.

For advances by the comptroller to the clerk of the senate for the clergymen officiating as chaplains, to be paid at the rate of five dollars for each day of attendance; for deficiency in appropriations for such advances; for printing, stationery, supplies, file boards and record books; for preparation, proofreading and comparison of journals and financial reports, clerical and stenographic services; for engrossing resolutions; for printing and revising clerk's manual; for books and blanks; for care of bills, documents and library; for law books and binding of books and records; for steel cases, furniture and appurtenances; for expenses for receiving reports and printed documents, storing, addressing and forwarding the same; for extra clerical services; and for other contingent expenses, forty thousand dollars. 40,000 00

To Thomas L. Ingram, for personal expenses and counsel fees incurred in the contest by Richard Lynster for the seat of the twenty-third assembly district of the county of Kings, in nineteen hundred and thirteen, to be audited by the comptroller upon the approval of the speaker of the assembly and the chairman of the committee on privileges and elections, two thousand dollars. 2,000 00

To Maxin Birnkrant, for personal expenses and counsel fees incurred in the contest by Meyer Greenberg for the seat of the tenth assembly district of the county of New York, in nineteen hun-

dred and thirteen, to be audited by the comptroller upon the approval of the speaker of the assembly and the chairman of the committee on privileges and elections, two thousand dollars.

\$2,000 00

To George W. Simpson, for personal expenses and counsel fees incurred in the contest by him for the seat of the nineteenth senatorial district of the state of New York in nineteen hundred and thirteen, to be audited by the comptroller upon the approval of the president pro tempore of the senate and the chairman of the committee on privileges and elections of the senate, seven thousand five hundred dollars.

7,500 00

To Henry Salant, for personal expenses and counsel fees incurred in the contest by George W. Simpson, for the seat of the nineteenth senatorial district of the state of New York in nineteen hundred and thirteen, to be audited by the comptroller upon the approval of the president pro tempore of the senate and the chairman of the committee on privileges and elections of the senate, two thousand dollars.

2,000 00

LEE F. BETTS, SERVICES AND EXPENSES.

For Lee F. Betts, for services and expenses as sergeant-at-arms to senate committee appointed to investigate the city and county of Albany, from October seventh, nineteen hundred and eleven, to January second, nineteen hundred and twelve, five hundred thirty-three dollars.

533 00

RODGERS, RUSSO & KELLY.

To Rodgers, Russo & Kelly, for reporting testimony before senate committee investigating the departments and offices of the city and county of Albany, one hundred ninety-seven dollars and forty cents.

197 40

For deficiency in compensation of senators and members of assembly, three thousand dollars.

3,000 00

PRINTING.

For legislative and department printing:

for printing two hundred additional copies of each senate bill, three hundred additional copies of each assembly bill, three hundred additional copies of each senate general bill and five hundred additional copies of each assembly general bill, ordered by resolution of the assembly January fourteenth, nineteen hundred and thirteen; for printing one thousand additional copies of assembly bill number three hundred and five, ordered by resolution of the assembly January twentieth, nineteen hundred and thirteen; for printing one thousand additional copies of assembly bill number two hundred and sixty-nine, ordered by resolution of the assembly January twenty-second, nineteen hundred and thirteen; for printing one thousand additional copies of senate bill number two hundred and thirty-five, ordered by resolution of the senate January twenty-second, nineteen hundred and thirteen; for printing five hundred additional copies of senate bill number five hundred and forty-three, ordered by resolution of the senate January thirtieth, nineteen hundred and thirteen; for printing fifteen hundred additional copies of the testimony and three thousand additional copies of the majority and minority reports of the joint committee on the conservation and utilization of water power, ordered by concurrent resolution February sixth, nineteen hundred and thirteen; for printing three thousand additional copies of senate bill number seven hundred and thirty-six, ordered by resolution of the senate February sixth, nineteen hundred and thirteen; for printing twenty thousand additional

copies of that part of the annual report of the bureau of labor statistics containing the history of Typographical Union Number Six, ordered by concurrent resolution February eleventh, nineteen hundred and thirteen; for printing five hundred additional copies of assembly bill number eleven hundred and fifty-nine, ordered by resolution of the assembly February seventeenth, nineteen hundred and thirteen; for printing one thousand additional copies of assembly bill number eleven hundred and forty-seven, ordered by resolution of the assembly February nineteenth, nineteen hundred and thirteen; for printing five hundred additional copies of assembly bill number eleven hundred and twenty-six, ordered by resolution of the assembly February nineteenth, nineteen hundred and thirteen; for printing five hundred additional copies of assembly bill number two thousand and nine, ordered by resolution of the assembly March nineteenth, nineteen hundred and thirteen; for printing twenty-five hundred additional copies of assembly bill number twenty-four hundred and thirty-three, ordered by resolution of the assembly March twenty-seventh, nineteen hundred and thirteen; for printing five hundred additional copies of assembly bill number eighteen hundred and four, ordered by resolution of the assembly April fifteen, nineteen hundred and thirteen; for printing five thousand additional copies of the report of the commissioners of the Saratoga Reservation, ordered by concurrent resolution April fifteenth, nineteen hundred and thirteen; for printing one thousand additional copies of senate bill number fifteen hundred and sixty, ordered by resolution of the senate April sixteenth, nineteen hundred and thirteen; for printing one

thousand additional copies of senate bill number ten hundred and sixty-four, ordered by resolution of the senate April twenty-second, nineteen hundred and thirteen; for printing one thousand additional copies of senate bill number seventy-five, ordered by resolution of the senate April twenty-second, nineteen hundred and thirteen; for printing two thousand and fifty copies of senate bill number two thousand and eighty-five, ordered by resolution of the senate April twenty-second, nineteen hundred and thirteen; for printing one thousand additional copies of senate bill number two hundred and thirty-five, and one thousand additional copies of assembly bill number three hundred and five, ordered by concurrent resolution April twenty-second, nineteen hundred and thirteen; for printing five thousand additional copies of the report of the factory investigating commission, ordered by concurrent resolution April twenty-second, nineteen hundred and thirteen; for printing two thousand additional copies of the report of the veterinary college at Cornell, ordered by concurrent resolution April twenty-second, nineteen hundred and thirteen; for printing additional copies of the forest, fish and game law and a syllabus of the same, for distribution to members of the legislature and county, city and town clerks, as provided by the conservation law, chapter three hundred and eighteen, laws of nineteen hundred and twelve; for printing the session laws, as directed by the secretary of state, for the year nineteen hundred and thirteen; for printing five thousand additional copies of the final report of the Champlain Tercentenary celebration commission, ordered by concurrent resolution April twenty-ninth, nineteen hundred and thirteen; and for

supplying deficiencies in appropriations therefor, one hundred and fifty thousand dollars, or so much thereof as may be necessary; all of which are hereby legalized and confirmed and shall have the same force and effect as if the work therein ordered had been ordered by statute, and shall be paid for at the amounts audited by the comptroller, in accordance with the contract rates fixed therefor, in the contracts for legislative and department printing for the years in which such printing and binding was done, to be paid only upon the filing of the proper receipts in full for said items.

\$150,000 00

For The Argus Company, for deficiency in the appropriation for legislative printing performed under contract therefor for the year commencing October first, nineteen hundred and eleven, and ending September thirtieth, nineteen hundred and twelve, the sum of sixty thousand dollars, or so much thereof as may be necessary, to be paid at the amounts audited by the comptroller, in accordance with the contract rates fixed therefor, and upon the filing of the proper receipts in full for said items.

60,000 00

OFFICIAL NOTICES.

For the St. Lawrence County Republican for publishing the concurrent resolutions of the legislature of nineteen hundred and ten, as designated by the board of supervisors of St. Lawrence county, six hundred seven dollars.

607 00

JUDICIAL.

COURT OF APPEALS.

SUPREME COURT JUSTICES' SALARIES AND EXPENSES.

For deficiency in appropriation for salaries of justices of the supreme court serving as associate judges of the court of appeals to September thir-

tieth, nineteen hundred and thirteen, seven thousand one hundred seventy-seven dollars and forty-four cents.

\$7,177 44

For deficiency in appropriation for their necessary expenses pursuant to section seven, article six of the constitution, two thousand six hundred fifty-five dollars and sixty-one cents.

2,655 61

REFEREES' SALARIES.

For salaries of retired judges of the court of appeals serving as referees, pursuant to the provisions of chapter two hundred and twenty-nine of the laws of nineteen hundred eleven, from January first, nineteen hundred thirteen, to September thirtieth, nineteen hundred thirteen, nine thousand dollars.

9,000 00

CLERKS TO REFEREES, SALARIES.

For the salaries of clerks to the retired judges of the court of appeals, covering the period through September thirtieth, nineteen hundred and thirteen, and for traveling expenses, furniture, books, stationery and general office expenses, one thousand dollars, or so much thereof as may be necessary.

1,000 00

For deficiency in appropriation for salaries of the clerks of judges of the court of appeals to September thirtieth, nineteen hundred and thirteen, appointed pursuant to chapter one hundred fifty-six of the laws of nineteen hundred and twelve, two thousand five hundred and seventy-five dollars.

2,575 00

For deficiency in appropriation for salaries of the clerks of the justices of the supreme court serving as associate judges of the court of appeals, appointed pursuant to chapter one hundred fifty-six of the laws of nineteen hundred and twelve, one thousand two hundred seventy-three dollars and thirty-nine cents.

1,273 39

Nine hundred ninety dollars and six cents (\$990.06) being the unexpended balance of an appropriation made by chapter five hundred forty-seven, laws of nineteen hundred and twelve, for necessary expenses of the clerks to the judges of the court of appeals is hereby re-appropriated and made available for necessary expenses of the clerks to the judges of the court of appeals and of attendants of court from December one, nineteen hundred and twelve, who render services to any judge of the court at his residence, to be paid upon vouchers approved by the judge in whose services such expenses are incurred (re. \$990.06).

For books, binding and supplies for the consultation library and the libraries of the judges, two thousand dollars.

\$2,000 00

For Elizabeth Bischoff, widow of the late Henry Bischoff, justice of the supreme court of the first judicial district, who died March twenty-eighth, nineteen hundred and thirteen, seven thousand five hundred and eighty dollars and sixty cents, being the amount of the annual compensation unpaid of said justice for the calendar year nineteen hundred and thirteen which would have been earned by him had he continued to live until the close of that year and had served as such justice.

7,580 60

For Elizabeth S. Houghton, widow of the late James W. Houghton, justice of the supreme court of the fourth judicial district, who died February fourteenth, nineteen hundred and thirteen, eight thousand seven hundred forty-nine dollars and ninety-six cents, being the amount of the annual compensation unpaid of said justice for the calendar year of nineteen hundred and thirteen, which would have been earned by him had he continued to live until the close of that year and had served as such justice.

8,749 96

For Anna T. Spring, widow of the late Alfred Spring, justice of the supreme court of the eighth judicial district, assigned to the appellate division, fourth department, who died October twenty-second, one thousand nine hundred and twelve, for balance due for the annual compensation unpaid of said justice from October twenty-second, one thousand nine hundred and twelve, to December thirty-first, one thousand nine hundred and twelve, which would have been earned by him had he continued to live until the close of that year, and served as such justice, the sum of two thousand two hundred and ninety dollars and thirty-two cents.

\$2,290 32

SUPREME COURT.

DEPUTY CLERK AND ATTENDANTS.

For deficiency in appropriation made by chapter five hundred forty-six of the laws of nineteen hundred twelve for compensation of the deputy clerk and attendants of the supreme court in the second judicial department, appointed pursuant to subdivision three of section one hundred one of chapter thirty-five of the laws of nineteen hundred nine, being the judiciary law, and chapter three hundred twenty-five of the laws of nineteen hundred ten, two thousand dollars, to be refunded to the treasury pursuant to chapter eight hundred twenty-eight of the laws of nineteen hundred eleven and section three hundred forty-five of chapter thirty-five of the laws of nineteen hundred nine, being the judiciary law.

2,000 00

SECOND DISTRICT.

CONFIDENTIAL CLERKS.

For deficiency in appropriation for compensation of confidential clerks to resident trial justices of the supreme court, other than justices of the appellate division residing in the second judicial

district, not including the county of Kings, appointed pursuant to subdivision two of section one hundred sixty of chapter thirty-five of the laws of nineteen hundred nine, being the judiciary law, seven hundred forty-nine dollars and ninety-one cents, to be refunded to the treasury pursuant to chapter three hundred sixty-five of the laws of nineteen hundred eleven.

\$749 91

SUPREME COURT, LIBRARIES.

For deficiency in appropriations for books, binding and supplies for supreme court libraries, payable on the certificate of a majority of the trustees of said libraries, as follows:

LAW LIBRARY, LONG ISLAND CITY.

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| Second district, Long Island City, two thousand dollars. | 2,000 00 |
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LAW LIBRARY, SARATOGA SPRINGS.

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|---|--------|
| Fourth district, Saratoga Springs, three hundred dollars. | 300 00 |
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LAW LIBRARY, UTICA.

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|--|--------|
| Fifth district, Utica, five hundred dollars. | 500 00 |
|--|--------|

LAW LIBRARY, BINGHAMTON.

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|---|----------|
| Sixth district, Binghamton, one thousand dollars. | 1,000 00 |
|---|----------|

LAW LIBRARY, DELHI.

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| Sixth district, Delhi, four hundred dollars. | 400 00 |
|--|--------|

LAW LIBRARY, ELMIRA.

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|--|--------|
| Sixth district, Elmira, six hundred dollars. | 600 00 |
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LAW LIBRARY, FOLLETT MEMORIAL, NORWICH.

| | |
|--|--------|
| Sixth district, Norwich, four hundred dollars. | 400 00 |
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LAW LIBRARY, BUFFALO.

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|---|----------|
| Eighth district, Buffalo, two thousand dollars. | 2,000 00 |
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LAW LIBRARY, NEWBURGH.

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|---|--------|
| Ninth district, Newburgh, four hundred dollars. | 400 00 |
|---|--------|

LAW LIBRARY, JOSEPH F. BARNARD MEMORIAL, POUGHKEEPSIE.

| | |
|--|--------|
| Ninth district, Poughkeepsie, six hundred dollars. | 600 00 |
|--|--------|

LAW LIBRARY, WHITE PLAINS.

| | |
|---|------------|
| Ninth district, White Plains, five thousand dollars. | \$5,000 00 |
| For the law library of the supreme court of Watertown, six hundred dollars, to be paid on the voucher of the senior resident judge of the supreme court in said county. | 600 00 |

APPELLATE DIVISION.

SECOND DEPARTMENT.

OFFICIAL REFEREES.

| | |
|--|-----------|
| For compensation of the official referees of the appellate division of the supreme court in the second judicial district, appointed pursuant to chapter three hundred twenty-three of the laws of nineteen hundred twelve, from April twentieth, nineteen hundred twelve, to September thirtieth, nineteen hundred thirteen, twenty-four thousand eight hundred sixty-six dollars and eight cents. | 24,866 08 |
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THIRD AND FOURTH DEPARTMENTS.

JUSTICES' EXPENSES.

| | |
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| For deficiency in appropriation for necessary expenses of the several justices assigned to the appellate division of the supreme court, pursuant to section twelve of article six of the constitution, five hundred dollars. | 500 00 |
|--|--------|

LIBRARY.

| | |
|--|----------|
| For the library of the appellate division of the third department, for binding records of appeals in other departments, the sum of four thousand dollars, or so much thereof as may be necessary, to be paid upon the certificate of the presiding justice of said department. | 4,000 00 |
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FOURTH DEPARTMENT.

DEPUTY CLERK.

| | |
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| For deficiency in appropriation for compensation of the deputy clerk of the appellate division of the supreme court in the fourth judicial department, appointed pursuant to subdivision three of | |
|---|--|

section one hundred one of chapter thirty-five of the laws of nineteen hundred nine, being the judiciary law, seven hundred twenty-nine dollars and sixteen cents, to be refunded to the treasury pursuant to chapter three hundred seventy-seven of the laws of nineteen hundred twelve.

\$729 16

LAW LIBRARY, ROCHESTER.

For deficiency in appropriation for books, binding and supplies for the library of the appellate division of the supreme court in the fourth judicial department, three thousand five hundred dollars.

3,500 00

To the widow of Charles E. Palmer, who rendered services as clerk to the late judges of the court of claims, while acting as commissioners of claims, pursuant to chapter eight hundred and fifty-six of the laws of nineteen hundred and eleven, from October eleventh, nineteen hundred and eleven, to December eighth, nineteen hundred and eleven, inclusive, and for services rendered in filing claims, drawing judgments of awards and dismissal made by said commissioners (prior to December eighth, nineteen hundred and eleven) from December eighth, nineteen hundred and eleven, to February seventh, nineteen hundred and twelve, in full, nine hundred and eighty-three dollars and thirty-three cents.

983 33

STATE REPORTER.

OFFICE EXPENSES.

For deficiency in appropriation for rent, furniture, books, stationery, messages and other necessary incidental office expenses, one thousand five hundred dollars.

1,500 00

STATE BOARD OF CLAIMS.

JUDGMENTS.

For payment of the judgments made by the board of claims in claims before said board, other than those on account of canals of this state, with in-

terest thereon as provided by law, two hundred and fifty thousand dollars, or so much thereof as may be necessary.

\$250,000 00

REGULATIVE.

DEPARTMENT OF EXCISE.

SPECIAL INVESTIGATIONS.

For expenses incurred in the enforcement of section thirty-three, chapter thirty-nine, laws of nineteen hundred and nine, being the liquor tax law, including salaries, expenses and per diem allowance for subsistence of detectives and special agents, salary and expenses of special detective service, salaries for clerical service, and attorneys' salaries, fees, and expenses while engaged in the enforcement of this section, expert services, storage, maintenance of automobile, transportation and destruction of liquors, thirty thousand dollars.

30,000 00

For deficiency in salary of secretary, April first to September thirtieth, nineteen hundred and thirteen, two hundred and fifty dollars.

250 00

For deficiency in appropriation for expenses of special investigators and confidential employees, including salaries and per diem allowance for subsistence, twenty thousand dollars, or so much thereof as may be necessary from May first, nineteen hundred and thirteen, to September thirtieth, nineteen hundred and thirteen.

20,000 00

FURNITURE.

Five thousand dollars, being a part of an unexpended balance of an appropriation made by chapter three hundred thirty-three, laws of nineteen hundred eleven, for furniture, including desks, tables, office chairs and office fixtures, metal filing cases and metal stacks, is hereby reappropriated for the same purpose (re. \$5,000).

TEMPORARY SERVICES.

Four thousand dollars, being a part of an unexpended balance of an appropriation made by chapter three hundred thirty-three, laws of nineteen hundred and eleven, for temporary services, is hereby reappropriated for the same purpose (re. \$4,000).

ENUMERATION.

One thousand nine hundred dollars, being a part of an unexpended balance of an appropriation made by chapter three hundred thirty-three, laws of nineteen hundred and eleven, for expenses of enumeration and determining amount of excise taxation in several localities, including supervision, is hereby reappropriated for the same purpose (re. \$1,900).

To reimburse the state commissioner of excise, the deputy state commissioners of excise, the special deputy commissioners of excise and all other state officers appointed by the state commissioner of excise, and which said officers are required to file a bond for the faithful performance of their official duties, as provided in the state liquor tax law, for the reasonable expense of procuring such surety, not exceeding one per centum per annum upon the amount of each undertaking, in every instance where the surety on such undertaking is a surety or fidelity corporation, such expense being a charge against the state, as provided in chapter four hundred and eighty-one of the laws of nineteen hundred twelve, two thousand dollars, or so much thereof as may be necessary.

\$2,000 00

DEPARTMENT OF HEALTH.

MARRIAGE LICENSES.

For the printing of marriage licenses and record books for town, city and county clerks, and express charges for distribution of same, ordered

pursuant to chapter seven hundred and forty-two, laws of nineteen hundred and seven, and article three, chapter nineteen, laws of nineteen hundred and nine, being the domestic relations law, three thousand dollars. \$3,000 00

OPHTHALMIA NEONATORUM.

For the control and prevention of ophthalmia neonatorum and the prevention of blindness, five thousand dollars. 5,000 00

TEMPORARY SERVICES.

For temporary services, two thousand dollars. 2,000 00

SUPPRESSION AND CONTROL OF COMMUNICABLE DISEASES.

For salaries and expenses of members of public health council, district sanitary supervisors, director of tuberculosis division, medical experts, lecturers, public health nurses, and for necessary expenses incurred in the suppression and control of communicable diseases, thirty-five thousand dollars or so much thereof as may be necessary. 35,000 00

POSTAGE AND TRANSPORTATION.

For deficiency in appropriation for postage and transportation, steel filing cases and office equipment the sum of five thousand dollars or so much thereof as may be necessary. 5,000 00

PUBLIC SERVICE COMMISSION.

FIRST DISTRICT.

GRADE CROSSINGS.

Two hundred and fifty thousand dollars, being the unexpended balance of an appropriation made by chapter eight hundred and eleven of the laws of nineteen hundred and eleven for the elimination of grade crossings within the jurisdiction of the public service commission, first district, is hereby reappropriated for the same purpose (re. \$250,000).

SECOND DISTRICT.

Four thousand nine hundred forty-seven dollars and fifty-seven cents, being the unexpended balance of an appropriation made by chapter eight hundred and ten, laws of nineteen hundred and eleven, for the salaries of chief of division of light, heat and power and chief electric meter inspector, and the unexpended balance to April first, nineteen hundred and thirteen, of an appropriation by chapter five hundred and forty-six, laws of nineteen hundred and twelve, for the salaries of chief of division of light, heat and power, and chief electric meter inspector, is hereby reappropriated for salaries of additional employees which may be required from time to time and for contingencies and other expenses not otherwise provided for (re. \$4,947.57).

GRADE CROSSINGS.

Five hundred seventy-four thousand eight hundred thirty-nine dollars and sixty-seven cents, being the unexpended balance of an appropriation made for the abolition of grade crossings within the jurisdiction of the public service commission, second district, by chapter eight hundred eleven of the laws of nineteen hundred and eleven, is hereby reappropriated for the same purpose (re. \$574,839.67).

DEPARTMENT OF LABOR.

For deficiencies in salaries of:

the commissioner of labor, from March twenty-ninth to September thirtieth, nineteen hundred and thirteen, one thousand two hundred and seventy dollars and sixteen cents;

\$1,270 16

the first deputy commissioner, from March twenty-ninth to September thirtieth, nineteen hundred and thirteen, five hundred and eight dollars and six cents;

508 06

| | |
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| the second deputy commissioner, from March twenty-ninth to September thirtieth, nineteen hundred and thirteen, five hundred and eight dollars and six cents; | \$508 06 |
| the chief statistician, from May first to September thirtieth, nineteen hundred and thirteen, four hundred and sixteen dollars and sixty-six cents; | 416 66 |
| the assistant chief statistician, from June first to September thirtieth, nineteen hundred and thirteen, three hundred and sixty-six dollars and sixty-six cents; | 366 66 |
| the chief of division of homework inspection, from May first to September thirtieth, nineteen hundred and thirteen, two hundred and fifty dollars; | 250 00 |
| the chief of the division of accidents and diseases, from June first to September thirtieth, nineteen hundred and thirteen, two hundred and thirty-three dollars and thirty-three cents; | 233 33 |
| one factory inspector, sixth grade, from May first to September thirtieth, nineteen hundred and thirteen, forty-one dollars and sixty-six cents. | 41 66 |
| For the salaries of the: | |
| counsel, from May first to September thirtieth, nineteen hundred and thirteen, one thousand six hundred and sixty-six dollars and sixty-six cents; | 1,666 66 |
| secretary to the commissioner, from May first to September thirtieth, nineteen hundred and thirteen, one thousand two hundred and fifty dollars; | 1,250 00 |
| four associate members of the industrial board, from May first to September thirtieth, nineteen hundred and thirteen, five thousand dollars; | 5,000 00 |
| secretary to the industrial board, from May first to September thirtieth, nineteen hundred and thirteen, two thousand and eighty-three dollars and thirty-three cents; | 2,083 33 |

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|---|------------|
| chief factory inspector, first district, from May first to September thirtieth, nineteen hundred and thirteen, one thousand six hundred and sixty-six dollars and sixty-six cents; | \$1,666 66 |
| chief factory inspector, second district, from May first to September thirtieth, nineteen hundred and thirteen, one thousand six hundred and sixty-six dollars and sixty-six cents; | 1,666 66 |
| factory inspector, supervising, acting as assistant chief factory inspector, first district, from April first to September thirtieth, nineteen hundred and thirteen, one thousand five hundred dollars; | 1,500 00 |
| director, division of industrial hygiene, from June first to September thirtieth, nineteen hundred and thirteen, one thousand three hundred and thirty-three dollars and thirty-three cents; | 1,333 33 |
| chief of division of general statistics, from June first to September thirtieth, nineteen hundred and thirteen, eight hundred and thirty-three dollars and thirty-three cents; | 833 33 |
| chief of division of special investigations, from June first to September thirtieth, nineteen hundred and thirteen, eight hundred and thirty-three dollars and thirty-three cents; | 833 33 |
| chief of division of printing and publications, from May first to September thirtieth, nineteen hundred and thirteen, one thousand two hundred and fifty dollars. | 1,250 00 |

GRADED EMPLOYEES.

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| Twelfth grade, two employees, from June first to September thirtieth, nineteen hundred and thirteen, two thousand three hundred thirty-three dollars and thirty-three cents. | 2,333 33 |
| Eleventh grade, two employees, from June first to September thirtieth, nineteen hundred and thirteen, one thousand six hundred sixty-six dollars and sixty-six cents. | 1,666 66 |

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| Ninth grade, sixteen employees, from June first to September thirtieth, nineteen hundred and thirteen, ten thousand six hundred dollars and sixty-six cents. | \$10,600 66 |
| Eighth grade, fourteen employees, from June first to September thirtieth, nineteen hundred and thirteen, eight thousand four hundred dollars. | 8,400 00 |
| Seventh grade, twenty employees, from June first to September thirtieth, nineteen hundred and thirteen, ten thousand dollars. | 10,000 00 |
| Sixth grade, thirty-four employees, from June first to September thirtieth, nineteen hundred and thirteen, thirteen thousand six hundred dollars. | 13,600 00 |
| Fifth grade, twenty-six employees, from June first to September thirtieth, nineteen hundred and thirteen, seven thousand eight hundred dollars. | 7,800 00 |
| Fourth grade, ten employees, from June first to September thirtieth, nineteen hundred and thirteen, two thousand four hundred dollars. | 2,400 00 |
| Third grade, two employees, from June first to September thirtieth, nineteen hundred and thirteen, four hundred dollars. | 400 00 |
| Second grade, one employee, from June first to September thirtieth, nineteen hundred and thirteen, one hundred and sixty dollars. | 160 00 |
| First grade, one employee, from June first to September thirtieth, nineteen hundred and thirteen, one hundred and twenty dollars. | 120 00 |

TRAVELING EXPENSES.

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| For deficiency in appropriation for actual and necessary traveling expenses of officials and employees of the department, in the performance of their official duties, under the direction of the commissioner, fifteen thousand dollars, or so much thereof as may be necessary. | 15,000 00 |
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OFFICE EXPENSES.

For deficiency in appropriation for books, blanks, stationery, office rentals, messages, postage and

transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same, and other necessary and incidental office expenses, six thousand five hundred dollars, or so much thereof as may be necessary.

\$6,500 00

PRINTING AND BULLETINS.

For deficiency in the appropriation for printing including the expense of publishing bulletins, two thousand five hundred dollars, or so much thereof as may be necessary.

2,500 00

FURNITURE AND LABORATORY EQUIPMENT.

For furniture and general office equipment, including the cost of establishing a laboratory for the use of the division of industrial hygiene and medical section, ten thousand dollars, or so much thereof as may be necessary.

10,000 00

REFUND.

For office rent and janitor service for the bureau of industries and immigration, from October first, nineteen hundred and eleven, to September thirtieth, nineteen hundred and twelve, payable upon proper vouchers, one thousand six hundred and thirty dollars.

1,630 00

HEALTH OFFICER, PORT OF NEW YORK.

CONTINGENT.

For contingent expenses of the health officer of the port of New York, as provided in section one hundred forty-four of chapter four hundred twenty-five of the laws of nineteen hundred ten, fifty thousand dollars.

50,000 00

STATE BOARD OF TAX COMMISSIONERS.

GRADED EMPLOYEES.

For salaries from April first to September thirtieth, nineteen hundred thirteen:

Fifth grade, one employee, three hundred ninety dollars.

390 00

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| Fourth grade, two employees, six hundred sixty dollars. | \$660 00 |
| Third grade, four employees, one thousand forty-five dollars. | 1,045 00 |
| For deficiency in salary, one employee, seventh grade, May first to September thirtieth, two hundred and fifty dollars. | 250 00 |

COMMISSIONER'S EXPENSES.

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| For deficiency in traveling expenses of two commissioners, one thousand dollars each, from April first to September thirtieth, nineteen hundred and thirteen, payable monthly in full for all expenses. | 2,000 00 |
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MORTGAGE TAX EXAMINERS' SALARIES.

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| For salaries of five mortgage tax examiners or auditors in the mortgage tax bureau from April first to September thirtieth, nineteen hundred and thirteen, five thousand six hundred dollars. | 5,600 00 |
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MORTGAGE TAX EXAMINERS' EXPENSES.

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| For traveling expenses of additional mortgage tax examiners or auditors in the mortgage tax bureau, three thousand six hundred dollars. | 3,600 00 |
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SPECIAL AGENTS' SALARIES.

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| For salaries of additional special agents, from April first to September thirtieth, nineteen hundred and thirteen, ten thousand five hundred dollars. | 10,500 00 |
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SPECIAL AGENTS' EXPENSES.

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| For necessary traveling expenses for additional special agents, three thousand dollars. | 3,000 00 |
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TEMPORARY SERVICES.

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| For deficiency in appropriation for temporary services, one thousand dollars. | 1,000 00 |
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OFFICE EXPENSES.

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| For furniture, books, blanks, printing, stationery, messages, parcel post, postage and transportation of letters, official documents and other matter sent by express or freight including boxes or covering for same, tax conferences, temporary employees, | |
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traveling expenses of the secretary, assistant secretary and other employees and other incidental and necessary office expenses, including rent, heating and lighting of 140 Washington avenue, five thousand dollars.

\$5,000 00

REVISION OF THE TAX LAW.

The governor is hereby authorized and empowered to appoint a commission of five members and a counsel to act with the state board of tax commissioners in preparing a codification and revision of the tax law and other laws amendatory thereto and relating to the subject of taxation. The state board of tax commissioners is hereby authorized and empowered to employ experts and other employees to facilitate the work of such codification and revision, and twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the compensation, traveling expenses and disbursements of the commissioners appointed by the governor, and of the counsel, and of those employed by the state board of tax commissioners, and for other necessary expenses in connection with said work.

25,000 00

TAX CONFERENCES.

For copies of the proceedings of the third state conference on taxation, and for expenses and disbursements incurred by the state board of tax commissioners in connection with the conference of the national tax association to be held in Buffalo during the year nineteen hundred and thirteen, two thousand dollars.

2,000 00

COMMISSION TO INVESTIGATE PORT CONDITIONS.

For the expenses of commission to investigate port conditions and pier extensions in New York harbor, including printing, postage, rent, services of secretary and other clerical help and office and incidental expenses, seventeen thousand five hundred dollars.

17,500 00

STATE ATHLETIC COMMISSION.

OFFICE EXPENSES.

For printing, office supplies, telephone and telegraph services, postage, expressage, stationery, temporary services, books and other necessary and incidental office expenses, one thousand five hundred dollars, or so much thereof as may be necessary. \$1,500 00

STATE INSTITUTE FOR THE STUDY OF MALIGNANT DISEASES.

CONSTRUCTION AND EQUIPMENT.

For deficiency in the appropriation made by chapter five hundred forty-seven of the laws of nineteen hundred twelve, for construction and equipment of hospital building for research purposes, twenty-five thousand two hundred seventy-five dollars. 25,275 00

Thirty thousand dollars, being a portion of the unexpended balance of an appropriation made by chapter one hundred twenty-eight of the laws of nineteen hundred eleven, for construction and equipment of a hospital building for research purposes, is hereby reappropriated for the same purpose (re. \$30,000).

STATE RACING COMMISSION.

For the salary of the secretary to the commission for the year nineteen hundred and twelve, being the amount heretofore paid into the treasury pursuant to section two hundred and eighty-five of the membership corporations law, eight hundred and fifty dollars. 850 00

STATE SUPERINTENDENT OF WEIGHTS AND MEASURES.

OFFICE AND TRAVELING EXPENSES.

For deficiency in appropriation for office and contingent expenses, two hundred dollars. 200 00

For deficiency in appropriation of traveling expenses incurred in the performance of their official duties by the superintendent, his deputies, assistants and inspectors, fifteen hundred dollars. \$1,500 00

For actual and necessary traveling expenses incurred in the performance of their official duties, by the superintendent of weights and measures and the chief and principal weights and measures officials of the cities of the first class to formulate regulations, as prescribed by statute, five hundred dollars. 500 00

BOARD OF EXAMINERS, FEEBLE-MINDED, ETC.

For the actual and necessary traveling and other expenses of the members of the board of examiners of feeble-minded criminals, and other defectives, pursuant to chapter four hundred and forty-five of the laws of nineteen hundred and twelve, five thousand dollars. 5,000 00

BOARD OF PORT WARDENS.

EXPENSES.

For expenses of the board of port wardens of New York, pursuant to chapter one hundred and forty-two, laws of eighteen hundred and ninety-one, four thousand five hundred dollars. 4,500 00

EDUCATION DEPARTMENT.

BOARD OF OPTOMETRY.

For the expenses of examinations of the state board of examiners in optometry, pursuant to article fifteen, chapter forty-nine, laws of nineteen hundred and nine, being the public health law, including postage, express, parchment for licenses, printing, engraving, supplies, traveling expenses of examiners, rooms for holding examinations and services of persons temporarily employed to conduct such examinations, one hundred five dollars. 105 00

Three thousand two hundred thirty-three dollars and fifty-three cents, being the unexpended balance

of an appropriation made by chapter eight hundred and eleven of the laws of nineteen hundred and eleven for expenses of examinations conducted by the state board of examiners in optometry, pursuant to article fifteen of the public health law, including postage, express, parchment for licenses, printing, engraving, supplies, traveling expenses of examiners, rooms for holding examinations and services of persons temporarily employed to conduct such examinations, is hereby reappropriated for the same purposes (re. \$3,233.53).

BOARD OF PHARMACY, SERVICES AND EXPENSES.

For expenses of the state board of pharmacy, including salaries of employees, postage, express, parchment for licenses, printing, engraving, supplies, traveling expenses of examiners, rooms for holding examinations, and services of persons temporarily employed to conduct such examinations, twenty thousand dollars.

\$20,000 00

DENTAL EXAMINATIONS.

For expenses of dental examinations, including postage, express, parchment for licenses, printing, engraving, supplies, traveling expenses of examiners, rooms for holding examinations and services of persons temporarily employed to conduct such examinations, and for the payment of the surplus to the state dental society, as provided in article nine, chapter forty-nine, laws of nineteen hundred and nine, being the public health law, six thousand two hundred twenty-five dollars.

6,225 00

MEDICAL EXAMINATIONS.

For medical examinations, fifteen thousand four hundred ninety dollars, to be expended as follows:

for expenses of medical examinations, including postage, express, parchment for licenses, print-

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| ing, engraving, supplies, office expenses of secretary, salary of stenographer, traveling expenses of examiners, rooms for holding examinations, and services of persons temporarily employed to conduct such examinations, and for expenses of hearings, as specified in article eight, chapter forty-nine, laws of nineteen hundred and nine, being the public health law, five thousand four hundred ninety dollars; | \$5,490 00 |
| for apportionment to the state board of medical examiners, six thousand dollars, to be divided pro rata according to the number of candidates whose answer papers have been marked by each; | 6,000 00 |
| for the salary of the secretary of the state board of medical examiners for the year beginning June first, nineteen hundred and twelve, pursuant to article eight, chapter forty-nine, laws of nineteen hundred and nine, being the public health law, four thousand dollars. | 4,000 00 |

REGISTERED NURSES.

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| For expenses of examination of registered nurses, pursuant to article twelve, chapter forty-nine, laws of nineteen hundred and nine, being the public health law, five thousand nine hundred and forty dollars, to be expended as follows: | |
| for salary of inspector of nurse training schools, one thousand eight hundred dollars; | 1,800 00 |
| for expenses of nurse training examinations, including postage, express, parchment for certificates, printing, engraving, supplies, salary of stenographer, traveling expenses of examiners and inspectors, rooms for holding examinations and services of persons employed temporarily to conduct such examinations, four thousand one hundred forty dollars. | 4,140 00 |

PUBLIC ACCOUNTANTS.

For expenses of examinations of certified public accountants pursuant to article eight, chapter twenty-five, laws of nineteen hundred and nine, being the general business law, including postage, express, parchment for licenses, printing, engraving, supplies, traveling expenses of examiners, rooms for holding examinations and services of persons temporarily employed to conduct such examinations, three thousand five hundred dollars. \$3,500 00

CERTIFIED SHORTHAND REPORTERS.

For expenses of examinations of certified shorthand reporters, pursuant to article eight-a of the general business law, as added by chapter five hundred and eighty-seven of the laws of nineteen hundred and eleven, including postage, express, parchment for licenses, printing, engraving, supplies, traveling expenses of examiners, rooms for holding examinations and services of persons temporarily employed to conduct such examinations, six thousand six hundred seventy-five dollars, payable only from fees collected for such examinations. 6,675 00

VETERINARY EXAMINATIONS.

For expenses of veterinary examinations, including postage, express, parchment for licenses, printing, engraving, supplies, traveling expenses of examiners, rooms for holding examinations and services of persons temporarily employed to conduct such examinations, one hundred forty-five dollars. 145 00

For apportionment on the basis provided in article ten, chapter forty-nine, laws of nineteen hundred and nine, being the public health law, one hundred twenty-five dollars. 125 00

CHIROPODISTS' EXAMINATIONS.

For expenses of the examination of chiropodists pursuant to article thirteen of the public health

law, including postage, express, parchment for licenses, printing, engraving, supplies, traveling expenses of examiners, rooms for holding examinations and services of persons temporarily employed to conduct such examinations, two thousand dollars.

\$2,000 00

TEMPORARY SERVICES.

For temporary services in the several divisions of the education department, except for the division of science and special institutes, eighteen thousand dollars.

18,000 00

And no payments for temporary services in said department shall be made from any other appropriations under this act, except as herein indicated.

INDIAN SCHOOLS.

REPAIRS.

For repairs and improvements to school buildings and the purchase of necessary supplies for the Indian schools on the Allegany, Cattaraugus, Onondaga, Tonawanda, Tuscarora, Saint Regis, Shinnecock and Poospatuck Indian reservations, four thousand dollars.

4,000 00

ONONDAGA INDIAN RESERVATION.

For the construction of a new school building on the Onondaga Indian Reservation and the construction of a house for living purposes for the teachers employed on such reservation, to replace the building and house recently destroyed by fire on said reservation, twelve thousand dollars.

12,000 00

NORMAL SCHOOLS.

ANNUITIES TO TEACHERS.

For the payment of annuities to teachers in the several state normal schools who have been retired from service under the provisions of article forty-three-a of the education law, ten thousand dollars.

10,000 00

SUMMER SESSIONS.

For the support and maintenance of summer sessions organized in one of the state normal schools which shall be designated therefor by the commissioner of education and conducted under regulations prescribed by such commissioner for the instruction and training of teachers employed in the elementary schools of the state, four thousand dollars.

\$4,000 00

REPAIRS.

For repairs, renewals and betterments of buildings, equipment, fixtures, furniture, fire protection, and such additional accommodations in the state normal schools as may be necessary, fifty thousand dollars.

50,000 00

REIMBURSING, VILLAGE OF FREDONIA.

For reimbursing the village of Fredonia for paving along the Fredonia Normal School on Center street in said village, three hundred forty dollars and seventy-four cents.

340 74

OFFICE EXPENSES.

For deficiency in appropriation for office expenses, furniture, fixtures, supplies and all necessary incidental expenses, five thousand dollars or so much thereof as may be necessary, and for the necessary electric current for power and light in the education building from August, nineteen hundred and twelve, on account of the delay in the completion of the new capitol power house, eight thousand dollars or so much thereof as may be necessary.

13,000 00

SCHOOL DISTRICT NO. 4, NORTH COLLINS.

To school district number four, North Collins, to reimburse said district for a like amount omitted from the apportionment to common schools made in February, nineteen hundred and thirteen, eight hundred and twenty-five dollars, to be paid from the unexpended balance of the appropria-

tion to common schools made by chapter five hundred and forty-six of the laws of nineteen hundred and twelve.

\$825 00

STATE SCHOLARSHIPS.

For the payment of one hundred dollars to each person appointed to a state scholarship under the provisions of chapter two hundred ninety-two of the laws of nineteen hundred and thirteen, twenty-five thousand dollars.

25,000 00

EDUCATION BUILDING.

FURNITURE AND OFFICE FIXTURES.

For deficiency in the appropriation for the purchase of furniture and office equipment for the the state education building and the rooms and offices thereof, including steel shelving, steel cabinets, files and map cases, and such other equipment as may be required, fifteen thousand dollars.

15,000 00

BLIND, DEAF AND DUMB INSTITUTIONS.

BLIND, STATE AID.

One thousand three hundred dollars, being the unexpended balance of an appropriation made by chapter eight hundred and eleven of the laws of nineteen hundred and eleven, for state aid for blind pupils in certain institutions, is hereby re-appropriated for the same purpose (re. \$1,300.00).

NEW YORK INSTITUTE FOR THE EDUCATION OF THE BLIND.

Nine thousand seven hundred seventy-four dollars and seventy-four cents, being the unexpended balance of an appropriation made by chapter eight hundred and ten of the laws of nineteen hundred and eleven, for the support and instruction, as shall be verified by the affidavit of the the Education of the Blind, or a proportionate amount for a shorter period of time than one year, as shall be verified by the affidavit of the

president and the secretary of the institute, is hereby reappropriated for the same purpose (re. \$9,774.74).

CATHOLIC INSTITUTE FOR THE BLIND.

For the support and instruction of twenty-eight pupils at the Catholic Institute for the Blind to September thirtieth, nineteen hundred and thirteen, at the rate of three hundred sixty-five dollars (\$365) per capita, pursuant to the provisions of chapter sixty of the laws of nineteen hundred and twelve, ten thousand two hundred and twenty dollars, as shall be appropriated by the commissioner of education and duly verified by the affidavits of the president and secretary of the institution.

\$10,220 00

INTERNATIONAL SUNSHINE SOCIETY.

For the support and instruction of pupils at the International Sunshine Society to September thirtieth, nineteen hundred and thirteen, at the rate of three hundred sixty-five dollars per capita (\$365), pursuant to the provisions of chapter sixty of the laws of nineteen hundred and twelve, ten thousand six hundred seventy dollars, as shall be appointed by the commissioner of education and duly verified by the affidavits of the president and secretary of the institution.

10,670 00

CENTRAL NEW YORK INSTITUTION FOR DEAF-MUTES.

For general repairs to buildings, three thousand dollars.

3,000 00

For alterations and equipment for laundry and class rooms, two thousand one hundred dollars.

2,100 00

For rewiring institution for electric lights, three thousand four hundred dollars.

3,400 00

For erecting walls and fire-proofing between boiler room and main building, one thousand two hundred dollars.

1,200 00

NORTHERN NEW YORK INSTITUTION FOR DEAF-MUTES.

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| For repayment to general fund for deficiency caused by emergency expenses immediately following the burning of the main building of this institution, three thousand four hundred fifty-seven dollars and nine cents. | \$3,457 09 |
| For repairing smokestack and roof on boiler house, seven hundred seventy-five dollars. | 775 00 |
| For painting buildings, three hundred sixty-five dollars. | 365 00 |
| For repairing kindergarten building, two hundred eighty dollars. | 280 00 |
| For roads and walks, eight hundred fifty-five dollars. | 855 00 |
| For construction of coal shed, one thousand and fifty dollars. | 1,050 00 |
| For repairs to roofs of industrial building and barns, one hundred and eighty-seven dollars. | 187 00 |
| For additional sewer and rain water drains, one hundred and ninety dollars. | 190 00 |
| For additional fire protection, seven hundred sixty-two dollars. | 762 00 |

WESTERN NEW YORK INSTITUTION FOR DEAF-MUTES.

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| For deficiency in appropriation for support and instruction of six high school pupils from September ten, nineteen hundred and eleven, to April seven, nineteen hundred and twelve, one thousand six hundred ninety dollars. | 1,690 00 |
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AGRICULTURAL.

DEPARTMENT OF AGRICULTURE.

PROMOTION OF AGRICULTURE.

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|---|------------|
| For apportionment to agricultural fairs under the provisions of section three hundred and ten, chapter nine, laws of nineteen hundred and nine, being the agricultural law, two hundred and fifty thousand dollars. | 250,000 00 |
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EXPENSES OF LITIGATION.

For the purpose of defraying expenses incurred in or for paying damages resulting from litigation in which the commissioner of agriculture or any of his appointees or employees may be made defendants, either as officials or individuals, in which the questions litigated involve their action as either officials or employees in the enforcement of the agricultural law, one thousand dollars.

\$1,000 00

ERADICATING BROWN-TAIL MOTH, ET CETERA.

For the commissioner of agriculture in formulating and carrying out measures to prevent the entrance to this state of the brown-tail moth and gypsy moth and to eradicate either or both of such pests if found within the state; and to combat any other new and dangerous pest, or diseases, fifteen thousand dollars.

15,000 00

DAIRY PRODUCTS.

For enforcing the provisions of article three, chapter nine, laws of nineteen hundred and nine, being the agricultural law, relating to dairy products, and for services and expenses in enforcing the provisions of article three of the agricultural law, relating to the manufacture and sale of imitation butter, oleomargarine or other substitutes or imitations of butter, and prohibiting the manufacture or mixing of animal fats with milk, cream or butter, and for the prevention of the sale of oleomargarine or other substitutes of butter fraudulently for butter, the sum of twenty-five thousand dollars.

25,000 00

CHEMICAL APPARATUS, REPAIRS, ET CETERA.

For the commissioner of agriculture for the purchase of agricultural apparatus, appliances, and equipment and for general repairs, fees, furniture and supplies made necessary by the establishment of chemical laboratories of the state of

New York, and the occupancy of the rooms in the geological hall formerly occupied by the state museum and state botanist, five thousand dollars, or so much thereof as may be necessary. \$5,000 00

DEMONSTRATION OF AGRICULTURAL RESOURCES, ET CETERA.

For the purpose of defraying the expenses of demonstrations and exhibitions of the agricultural resources of the state and the work of the department of agriculture relating to food products and adulterations thereof, and the preparation of exhibits therefor, the sum of ten thousand dollars. 10,000 00

INDEMNITIES.

For the commissioner of agriculture for enforcing the provisions of article five of the agricultural law, for the purpose of paying indemnities for cattle and horses condemned, appraised and slaughtered by order of the commissioner of agriculture, three hundred thousand dollars. 300,000 00

AGRICULTURAL EXPERIMENT STATION.

For commercial fertilizers, feeding stuffs, et cetera, for the New York experimental station for enforcing the provisions of the law in relation to commercial fertilizers, concentrating feeding stuffs, fungicides, and insecticides, agricultural seeds, and the testing and marking of Babcock glassware pursuant to section two hundred and twenty-four, one hundred and sixty-four and one forty-three of chapter nine of the laws of nineteen hundred and nine; section thirty-four and section fifteen, chapter two hundred and ninety-seven, laws of nineteen hundred and twelve, sixteen thousand dollars. 16,000 00

CORNELL UNIVERSITY.

COLLEGE OF AGRICULTURE.

SUMMER SCHOOL.

For summer school in agriculture for school teachers and others, ten thousand dollars or as much thereof as may be necessary. 10,000 00

REPAIRS, ET CETERA.

For additions, repairs and betterments, ten thousand dollars. \$10,000 00

ROADS, WALKS, SEWERS, ET CETERA.

For grading roads, walks and drives, and planting, ten thousand dollars. 10,000 00

INSTRUCTION.

For instruction in physics, chemistry, etc., in addition to the sum of twenty thousand dollars appropriated by chapter five hundred forty-seven of the laws of nineteen hundred twelve, the further sum of twenty-five thousand dollars. 25,000 00

EXTENSION WORK ON FARMS.

For the promotion of extension work in agriculture, seventy thousand dollars or so much thereof as may be necessary. 70,000 00

VETERINARY COLLEGE.

EQUIPPING FORGE ROOM.

For equipping forge room for a short course in practical horse shoeing for the horse shoers of the state, two thousand five hundred dollars and the construction of suitable pens for hogs to be used in making anti-hog cholera serum, two thousand five hundred dollars. 5,000 00

STATE SCHOOL OF AGRICULTURE AT MORRISVILLE.

COMPLETION OF TOOL SHED.

For completion of tool shed, one thousand two hundred dollars. 1,200 00

EQUIPMENT OF DEMONSTRATION BUILDING.

For equipment of demonstration building, two thousand dollars. 2,000 00

PERCHERON HORSES.

For three percheron horses, five hundred dollars. 500 00

ALFRED UNIVERSITY.

SCHOOL OF AGRICULTURE.

For completion of sheds, drainage, fencing, farm machinery, fruit trees, live stock, etc., five thousand dollars. 5,000 00

REIMBURSEMENT.

For reimbursement for money paid into the treasury of the state of New York, as provided by section thirty-seven, chapter fifty-eight, laws of nineteen hundred nine, six thousand dollars. \$6,000 00

SAINT LAWRENCE UNIVERSITY.

SCHOOL OF AGRICULTURE.

FARM TOOLS, ET CETERA.

For purchase of farm tools and machinery and machinery for the manual training shop, two thousand five hundred dollars. 2,500 00

REPAIRS TO BARN, ETC.

For repairs to barn, main building and other buildings, one thousand dollars. 1,000 00

REIMBURSEMENT.

For reimbursement to Saint Lawrence University for payments made by said university on account of the New York State College of Agriculture; to be paid in lieu of all payments made on account of animals, equipment, dairy stock, horses, swine, harness and wagons, farm tools, engines, and farm machinery; for furnishing, construction and equipment of dairy building, and furnishing and construction of well and for payment made for snow guards; payments made for repairs on main building, for office furniture, window screens, insurance, cement sidewalks; which amount has already been paid by the Saint Lawrence University for these purposes, four thousand seventy-two dollars and fifteen cents. 4,072 15

REAPPROPRIATION.

Two thousand eight hundred and forty-five dollars and ninety-two cents, being a part of an unexpended balance of the appropriation made by chapter five hundred and forty-seven of the laws of nineteen hundred and eleven, for building,

construction and sidewalks, and grading, is hereby reappropriated for the same purpose (re. \$2,845.92).

STATE FAIR COMMISSION.

MAINTENANCE.

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| For maintenance, care of grounds and buildings, and general repairs, and for general permanent improvements, twenty thousand dollars. | \$20,000 00 |
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EXHIBITS, COLLECTING AND DISPLAY.

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| For exhibits of state institutions, collections and display, four thousand dollars. | 4,000 00 |
| For electricity and light made necessary by reason of equipping the grounds for night shows, ten thousand dollars. | 10,000 00 |

PREMIUMS.

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| For premiums for fair of nineteen hundred thirteen, forty-five thousand dollars. | 45,000 00 |
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POULTRY BUILDING.

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| For cooping, dog benches and general equipment of new poultry building at state fair, eight thousand two hundred dollars. | 8,200 00 |
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PRINTING, ETC.

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| For printing and advertising and purchase of advertising matter, fifteen thousand dollars. | 15,000 00 |
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DEFENSIVE.

NATIONAL GUARD.

PENSIONS.

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| For payment of pensions to the members of New York guard and naval militia and their care when injured or disabled in service, and for the purpose of examination of claims, fifteen thousand dollars. | 15,000 00 |
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WAR RECORDS.

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| For completing and binding the personal records of the volunteers from this state in the War of | |
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the Rebellion and for printing and binding the same in book form, sixteen thousand five hundred dollars.

\$16,500 00

LEGISLATIVE COMMITTEE INSPECTION.

For the adjutant-general to defray the expenses of an inspection of the national guard, while on duty in the field, by a joint committee of the senate and assembly, five hundred dollars.

500 00

ADJUTANT-GENERAL.

STATE RIFLE TEAM.

For the adjutant-general to cover expense of preparation and participation of a rifle team to represent the state in the national matches to be held at Camp Perry, Ohio, during month of August, nineteen hundred and thirteen, and in such other competitions as the governor may authorize, two thousand eight hundred dollars.

2,800 00

CONTINGENT FUND.

For the adjutant-general to restore to the contingent fund amounts paid for options on property located in Rockland county, adjacent to Blauvelt rifle range, and for special services rendered by Charles A. Simmons while acting as adjutant-general, division, national guard, two thousand seven hundred and sixty-six dollars and sixty-six cents.

2,766 66

CONSTRUCTION.

For the construction of an armory and stable in the city of Albany for the use of headquarters, third squadron and troop B, first cavalry, to be expended under direction of the armory commission pursuant to chapter thirty-six, laws nineteen hundred and twelve, sixty thousand dollars.

60,000 00

TRANSFER U. S. S. LUZON.

For the adjutant-general to defray necessary expenses in connection with the transfer U. S. S. Isla de Luzon, now lying in the Mississippi river near Saint Louis, Missouri, provided that

such vessel be assigned by the navy department for use of the naval militia of this state, one thousand dollars.

\$1,000 00

ALLOWANCES TO HEADQUARTERS.

For deficiency in appropriations made by chapter five hundred and forty-seven, laws nineteen hundred and twelve, for allowances to headquarters of battalions of the naval militia to provide allowances authorized for divisions by section two hundred and eighteen, military law, one thousand two hundred eighty-two dollars and nine cents.

1,282 09

FIELD EXERCISES.

For general expense of the national guard to be used for actual and necessary expenses of troops ordered on duty by the governor for field exercises, forty thousand dollars.

40,000 00

RENT OF PERMANENT OFFICES.

For rent of permanent headquarters, division national guard, at one hundred and seventy-four State street, or other location, leased for one year from May first, nineteen hundred and thirteen, one thousand two hundred dollars.

1,200 00

REIMBURSEMENT FRANK H. HINES.

For Lieutenant-Colonel Frank H. Hines, second field artillery, to reimburse him for value of one saddle horse, which sustained injury resulting in destruction on march returning from field exercises, North Salam, New York, February fourteenth, nineteen hundred and twelve, three hundred dollars.

300 00

OFFICIAL SALARIES.

For deficiency in appropriation made by chapter eight hundred ten, laws of nineteen hundred and eleven, for salaries of the assistant adjutants-general and military storekeeper, three hundred twelve dollars and forty-eight cents.

312 48

RENT OF PERMANENT OFFICES.

For rental of office of the adjutant-general at one hundred and seventy-six State street or other location, leased for one year from May first, nineteen hundred and thirteen, two thousand eight hundred dollars. \$2,800 00

HEADQUARTERS DIVISION.

For the adjutant-general for general expenses of the national guard to cover pay of the major-general from January first, nineteen hundred and thirteen, to September thirtieth, nineteen hundred and thirteen, six thousand dollars, or so much thereof as may be necessary. 6,000 00

For pay of the major-general from January first, nineteen hundred and thirteen, to September thirtieth, nineteen hundred and thirteen, six thousand dollars. 6,000 00

For James A. Thomas, for deficiency in the appropriation provided by chapter six hundred and fifty-four of the laws of eighteen hundred and ninety-nine, to be paid upon the proper vouchers in accordance with the provisions of such chapter, two hundred and seventy-six dollars. 276 00

For Edward Way, for deficiency in the appropriation provided by chapter six hundred and fifty-four of the laws of eighteen hundred and ninety-nine, to be paid upon the proper vouchers in accordance with the provisions of such chapter, five hundred and thirty-one dollars. 531 00

NAVAL MILITIA.

SUMMER CRUISE.

For the necessary expenses of the naval militia aboard vessels of the United States navy and incident thereto, thirty-four thousand dollars. 34,000 00

For the adjutant-general to repair and replace state property damaged and destroyed by fire aboard U. S. S. Granite State, while lying in dock at New York, April twenty-fourth, nineteen

hundred and thirteen, and for emergency expenses rendered necessary by said fire, five thousand dollars.

\$5,000 00

For Frances Vickery, administratrix of the estate of George G. Vickery, to supply deficiency in the appropriation provided by chapter six hundred and fifty-four of the laws of eighteen hundred and ninety-nine, to be paid upon filing of the proper vouchers in accordance with the provisions of such chapter, five hundred and thirty-four dollars and fifty cents.

534 50

ARSENALS AND ARMORIES.

REPAIRS.

For the armory commission for repairs, improvements, betterments and maintenance of the state arsenal, armories, camp grounds and rifle ranges throughout the state, and for necessary office and traveling expenses of the commission, one hundred and twenty thousand dollars.

120,000 00

GRAND ARMY OF THE REPUBLIC, DEPARTMENT OF NEW YORK.

OFFICE EXPENSES.

For incidental office expenses, including postage, printing, telegraph and telephone charges, two thousand five hundred dollars.

2,500 00

PENAL.

PRISON DEPARTMENT.

STATE PRISONS.

MAINTENANCE.

For deficiency in appropriation for the support and maintenance of the several state prisons pursuant to chapter forty-seven of the laws of nineteen hundred and nine, being the prison law, and for the ordinary repairs and supplying water for Sing Sing, Auburn, Clinton and Great Meadow prisons, and state prison for women at Auburn, thirty-two thousand five hundred dollars.

32,500 00

ADDITIONAL INSTRUCTION.

| | |
|--|------------|
| For securing additional instruction in the several state prisons, four thousand four hundred dollars, to be expended under the direction of the superintendent of state prisons. | \$4,400 00 |
|--|------------|

CURRENT LITERATURE.

| | |
|--|----------|
| For providing current literature for the several state prisons, two thousand dollars, to be expended under the direction of the superintendent of state prisons. | 2,000 00 |
|--|----------|

PRISON SCHOOL TEACHERS.

| | |
|---|----------|
| For the salaries of four head teachers, six thousand dollars. | 6,000 00 |
| For salary of one head teacher at State Prison for Women, one thousand dollars. | 1,000 00 |

CONSTRUCTION OF HIGHWAYS.

| | |
|---|-----------|
| For the construction of highways in the vicinity of Clinton and Great Meadow prisons and for guarding prisoners engaged in this work, and for the purchase of road-making implements, ten thousand dollars. | 10,000 00 |
|---|-----------|

WINGDALE PRISON SITE.

FEES FOR SEARCHES.

| | |
|---|--------|
| For Edward A. Horton, for legal services rendered to the state in connection with the acquisition by the state of the site for the proposed state prison at Wingdale, payable on the audit and approval of the attorney-general, two hundred and fifty dollars. | 250 00 |
| For John M. Ham, clerk of Dutchess county, for services making search and abstract of title of lands purchased by the state for a site for Wingdale prison, seven hundred and fifty dollars, to be paid on the approval of the attorney-general. | 750 00 |

REIMBURSING CLINTON COUNTY.

| | |
|---|--|
| For the payment of expenses incurred and paid by Clinton county in the criminal proceedings conducted in said county against certain inmates of | |
|---|--|

Clinton prison, pursuant to the provisions of chapter three hundred and eighty-nine of the laws of eighteen hundred and eighty-two, seventy-four dollars and eight cents.

\$74 08

GREAT MEADOW PRISON.

FARM SUPERINTENDENT.

For salary of farm superintendent, Great Meadow prison, one thousand eight hundred dollars.

1,800 00

MATTEAWAN STATE HOSPITAL FOR INSANE CRIMINALS.

MAINTENANCE.

For deficiency in appropriation for support and maintenance of insane criminals at the Matteawan State Hospital, four thousand dollars.

4,000 00

DANNEMORA STATE HOSPITAL FOR INSANE CONVICTS.

MAINTENANCE.

For deficiency in appropriation for support and maintenance of insane convicts at the Dannemora State Hospital, twenty thousand dollars.

20,000 00

For stone to be dressed by inmates, for guarding inmates so employed and for tools, three thousand five hundred dollars.

3,500 00

SING SING PRISON.

BOILERS AND PIPING.

For the purpose of purchasing and setting the boilers and piping in the power houses at Sing Sing prison, the sum of twenty thousand dollars, or so much thereof as may be necessary.

20,000 00

ELECTRIC FIXTURES AND WIRING.

For the purpose of purchasing new engines, dynamos, electric wiring and fixtures at Sing Sing prison, the sum of twenty thousand dollars, or so much thereof as may be necessary.

20,000 00

STATE PRISONS.

REAPPROPRIATIONS.

The following sums, being the unexpended balances of appropriations made by chapter eight hundred and eighteen of the laws of nineteen hun-

dred and eleven, for the purposes stated, are hereby reappropriated for the same purposes, namely:

SING SING PRISON.

For enlarging building in which condemned prisoners are confined and providing additional cells therein, nineteen hundred twenty-three dollars and fifty-eight cents (\$1,923.58);
for repairing fence on river front, two thousand dollars (\$2,000.00);
for painting buildings, six hundred thirty-seven dollars and sixty-seven cents (\$637.67);
for repairing roofs, five hundred seventy-three dollars and seventy cents (\$573.70).

AUBURN PRISON.

For continuing the construction of large windows in cell hall and mess room, three thousand nine hundred thirty-two dollars (\$3,932.00).

CLINTON PRISON.

For floor and stairway in woodenware building, one hundred forty-two dollars and twenty-six cents (\$142.26);
for alteration of woodenware building, one thousand three hundred and twenty-seven dollars (\$1,327);
for new roof on power house, one thousand six dollars and sixty cents (\$1,006.60);
for repairing principal keeper's house, one thousand five hundred dollars (\$1,500);
for connecting well with reservoirs, one thousand nine hundred and seventy-seven dollars and sixty-five cents (\$1,977.65).

GREAT MEADOW PRISON.

For fruit and shade trees, four hundred dollars (\$400);
for fencing, six hundred and nine dollars (\$609);
for sidewalks and grading, three thousand eight hundred and eighty-nine dollars (\$3,889).

MATTEWAN STATE HOSPITAL.

For repairing roofs, three hundred five dollars and seventy-six cents (\$305.76);
for fire apparatus and equipment, one hundred seventy-six dollars and eighty-one cents (\$176.81).

DANNEMORA STATE HOSPITAL.

For medical superintendent's residence, two thousand one hundred dollars (\$2,100);
books for library, one hundred seventy-one dollars and sixty cents (\$171.60);
for extraordinary repairs and painting walls, two hundred forty-one dollars (\$241).

REAPPROPRIATIONS PAYABLE FROM THE CAPITAL
FUND OF ANY PRISON.

The following sums, being the unexpended balances of appropriations payable from the capital fund of any prison, made by chapter four hundred and sixty of the laws of nineteen hundred and nine, and reappropriated by chapter eight hundred and eighteen of the laws of nineteen hundred and eleven, are hereby reappropriated and made available for the same purposes, namely:

SING SING PRISON.

For repairs to prison wall and guard houses, one thousand two hundred and seven dollars (\$1,207);
for repairs to coal dock and piers, four hundred and fifteen dollars (\$415);
for repairs to roofs and leaders, bakery and administration building, four hundred and thirty-three dollars (\$433).

AUBURN PRISON.

For railroad track into prison yard, one hundred and eighty-one dollars (\$181);

for repairs to yard wall, four hundred twenty-eight dollars (\$428);

for sewage disposal system, one thousand five hundred seventy-two dollars and seventy-one cents (\$1,572.71).

DELEGATES TO NATIONAL CONGRESS.

| | |
|--|----------|
| For expenses of delegates to the national prison congress and to the national congress of charities and correction, three hundred dollars. | \$300 00 |
|--|----------|

EXPERT SERVICES.

| | |
|---|--------|
| For expert advice on plans, specifications, sanitation, ventilation and other special expenses relating to plans for penal institutions, and for services of expert accountants in investigation of penal institutions, five hundred dollars. | 500 00 |
|---|--------|

STATE PROBATION COMMISSION.

TEMPORARY SERVICES.

| | |
|--|--------|
| For deficiency in the appropriation for temporary services for the fiscal year ending September thirtieth, nineteen hundred and twelve, one hundred fifty dollars. | 150 00 |
|--|--------|

TRAVELING EXPENSES.

| | |
|---|--------|
| For deficiency in appropriation for traveling expenses of the commissioners, secretary, and other employees, while engaged in the discharge of their official duties, five hundred dollars. | 500 00 |
|---|--------|

OFFICE EXPENSES.

| | |
|---|----------|
| For rent, heating, lighting and equipment until September thirtieth, nineteen hundred and fourteen, one thousand dollars, or so much thereof as may be necessary. | 1,000 00 |
|---|----------|

TRANSPORTATION OF CONVICTS.

Twelve thousand four hundred and seventy-two dollars and twenty cents, being the unexpended balance of an appropriation made by chapter

eight hundred and ten of the laws of nineteen hundred and eleven for compensation of sheriffs for the transportation of convicts to prisons, asylums for insane criminals, penitentiaries, houses of refuge and reformatories, is hereby reappropriated for the same purpose (re. \$12,472.20).

CURATIVE.

STATE HOSPITAL COMMISSION.

MAINTENANCE DEFICIENCIES.

The sum of two hundred sixty thousand nine hundred sixty-nine dollars and fourteen cents, representing the deficiency in the maintenance accounts of the state hospitals for the year ending September thirtieth, nineteen hundred and twelve, is hereby appropriated. \$260,969 14

The sum of three hundred fifty thousand dollars or so much thereof as may be necessary, representing an anticipated deficiency in the maintenance accounts of the state hospitals for the year ending September thirtieth, nineteen hundred thirteen, is hereby appropriated. 350,000 00

REFUND FROM RECEIPTS.

The sum of six hundred thousand dollars, being the estimated board moneys and miscellaneous receipts of the state hospitals during the year ending September thirtieth, nineteen hundred and thirteen, and paid into the state treasury pursuant to section thirty-seven of chapter fifty-eight of the laws of nineteen hundred and nine, being the state finance law, is hereby appropriated and made available to supplement the appropriations made by chapter five hundred forty-six of the laws of nineteen hundred and twelve for the support of the state hospitals. 600,000 00

STATE HOSPITAL COMMISSION.

The unexpended balance of two thousand dollars of the appropriations made by chapter five hundred forty-six of the laws of nineteen hundred and twelve for the salary and traveling expenses of the legal commissioner of the state hospital commission, is hereby reappropriated and made available for temporary clerical and expert services.

\$2,000 00

REPATRIATION AND RETURN OF NON-RESIDENT PATIENTS.

The estimated balance of seven thousand six hundred sixty-six dollars and sixty-five cents appropriated by chapters eight hundred ten of the laws of nineteen hundred and eleven and five hundred forty-six of the laws of nineteen hundred and twelve, for salaries of the members of the bureau of deportation for the years ending September thirtieth, nineteen hundred and twelve and nineteen hundred and thirteen, is hereby reappropriated and made available for repatriation and return to other states and counties of alien and non-resident insane patients during the year ending September thirtieth, nineteen hundred and thirteen.

7,666 65

The estimated balance of one thousand five hundred seventy-two dollars and eighty-three cents made by chapter five hundred forty-six of the laws of nineteen hundred and twelve, for traveling expenses, for the services of interpreters, clerk and stenographer in the bureau of deportation is hereby reappropriated and made available for the services of transportation agents, stenographer and page during the year ending September thirtieth, nineteen hundred and thirteen.

1,572 83

An additional sum of thirty thousand dollars, to supplement the appropriation of twenty-five thousand dollars made by chapter five hundred forty-six of the laws of nineteen hundred and

twelve for the deportation of alien and non-resident lunatics to other countries and states, and for the transfer of patients from one hospital to another, is hereby appropriated.

\$30,000 00

REIMBURSING HOSPITAL EMPLOYEES.

For reimbursing state hospital stewards and other bonded employees for expenses incurred by them while acting in positions of trust in payment of premiums on bonds required by the state comptroller, or the commission, during the year ending September thirtieth, nineteen hundred and thirteen, seven hundred and fifty dollars, or so much thereof as may be necessary.

750 00

MISCELLANEOUS REPAIRS, IMPROVEMENTS, EMERGENCIES AND EQUIPMENT.

The sum of fifteen thousand dollars, the unexpended balances of the appropriations made by chapters eight hundred and eleven and eight hundred and nineteen of the laws of nineteen hundred and eleven, for miscellaneous repairs, improvements, emergencies and equipment, is hereby reappropriated for the same purpose (re. \$15,000).

KINGS PARK STATE HOSPITAL.

The sum of one hundred fifty-six dollars and sixty-eight cents is hereby appropriated to supplement the appropriation of forty thousand seven hundred fifty dollars made by chapter eight hundred nineteen of the laws of nineteen hundred and eleven, for dormitories to provide additional capacity, including equipment.

156 68

MIDDLETOWN STATE HOSPITAL.

An unexpended balance of two thousand four hundred sixteen dollars and eighty-five cents of the appropriation of five thousand dollars made by chapter five hundred thirty of the laws of nineteen hundred and twelve is hereby reappropriated and made available for a new floor and fixtures in the bakery.

2,416 85

ROCHESTER STATE HOSPITAL.

For deficiency in the appropriation of two thousand dollars, made by chapter eight hundred nineteen of the laws of nineteen hundred and eleven, for steam header main, eight boilers, one thousand eight hundred dollars is hereby appropriated. \$1,800 00

UTICA STATE HOSPITAL.

The sum of fifteen thousand dollars, appropriated by chapter five hundred and thirty of the laws of nineteen hundred and twelve for "commencement of work on new site, including railway spur, power house, reservoir, water supply and lines, and remodeling of buildings," is hereby re-appropriated for new buildings, repairs and equipment and farm operations. 15,000 00

Unexpended balances of former appropriations are hereby reappropriated for the same purposes:

BINGHAMTON STATE HOSPITAL.

By chapter eight hundred eleven of the laws of nineteen hundred and eleven, for additional water supply, four thousand two hundred twenty-one dollars and fifty cents (re. \$4,221.50);
for nurses' home and equipment, one thousand one hundred eighty-five dollars and forty-six cents (re. \$1,185.46);
for water supply and new lines, one thousand six hundred and twenty-six dollars and sixty-eight cents (re. \$1,626.68).

HUDSON RIVER STATE HOSPITAL.

By chapter four hundred sixty-two of the laws of nineteen hundred and nine, for spur track and trestle, five hundred eighteen dollars and fifty-eight cents (re. \$518.58);
by chapter eight hundred eleven of the laws of nineteen hundred and eleven, for improvement to water supply, fifteen thousand dollars (re. \$15,000);

by chapter five hundred sixty-four of the laws of nineteen hundred and seven, chapter four hundred thirty-three of the laws of nineteen hundred and nine, and chapter eight hundred eleven of the laws of nineteen hundred and eleven, for house for filter beds, eight hundred dollars (re. \$800);

by chapter eight hundred nineteen of the laws of nineteen hundred and eleven, for addition to reception hospital, three thousand six hundred twenty-three dollars and eighty-eight cents (re. \$3,623.88);

for addition to Central group, three thousand six hundred dollars (re. \$3,600);

for extension of water main, one thousand two hundred thirty-four dollars and thirty-one cents (re. \$1,234.31).

KINGS PARK STATE HOSPITAL.

By chapter eight hundred eleven of the laws of nineteen hundred and eleven, for accommodations for six hundred chronic patients. five hundred seventy-six dollars and eighty-nine cents (re. \$576.89);

by chapter eight hundred nineteen of the laws of nineteen hundred and eleven, for extension of sewage disposal system, seven thousand dollars (re. \$7,000);

by chapter eight hundred nineteen of the laws of nineteen hundred and eleven, for two new ovens, three thousand two hundred dollars (re. \$3,200);

for hydrotherapeutic bathrooms, B and C, two thousand two hundred dollars (re. \$2,200);

For new boilers and electric unit, five thousand eight hundred and nine dollars (re. \$5,809).

MIDDLETOWN STATE HOSPITAL.

By chapter eight hundred nineteen of the laws of nineteen hundred and eleven, for hydrothera-

peutic outfit for acute pavilions, three thousand one hundred ninety-one dollars (re. \$3,191); for alteration and addition to chronic building, twenty thousand dollars (re. \$20,000).

MOHANSIC STATE HOSPITAL.

The sum of thirty-six thousand dollars (re. \$36,000), of the unexpended balance of the appropriation of one hundred five thousand dollars made by chapter eight hundred eighty-nine of the laws of nineteen hundred and eleven for right of way, additional land, etc., is hereby reappropriated and made available for the acquisition of right of way, construction of railway spur and siding, purchase of additional land, equipment, and for engineering fees.

ROCHESTER STATE HOSPITAL.

The sum of two thousand dollars (re. \$2,000), appropriated by chapter eight hundred nineteen of the laws of nineteen hundred and eleven, for steam header main, eight boilers, is hereby reappropriated for the same purpose.

PSYCHIATRIC INSTITUTE.

The sum of fifteen thousand sixty-five dollars and twenty-seven cents (re. \$15,065.27), the unexpended balance of the appropriation of thirty-one thousand five hundred dollars made by chapter eight hundred ten of the laws of nineteen hundred and eleven for the maintenance of the psychiatric institute, is hereby reappropriated for the same purpose.

STATE HOSPITAL COMMISSION — GENERAL.

For balance of board moneys paid into the state treasury during the year ending September thirtieth, nineteen hundred and twelve, and not made available for maintenance, the sum of seventeen thousand four hundred forty-seven dollars and

seventy-one cents is hereby appropriated and made available to supplement the maintenance accounts of the state hospital commission for the year ending September thirtieth, nineteen hundred and thirteen.

\$17,447 71

The unexpended balance of one thousand eighty-nine dollars and forty-four cents (re. \$1,089.44) appropriated by chapters eight hundred ten of the laws of nineteen hundred and ten, five hundred forty-seven of the laws of nineteen hundred and ten and five hundred forty-six of the laws of nineteen hundred and eleven, for graded employees in the office of the state hospital commission, is hereby reappropriated and made available for the transfer of patients from one hospital to another to relieve overcrowding.

For deficiency in the appropriation for expenses of inspector of supplies, five hundred dollars.

500 00

The sum of one thousand six hundred dollars to supplement the appropriation made by chapter five hundred seven of the laws of nineteen hundred and ten for extension to laundry including equipment at the General Islip State Hospital is hereby appropriated.

1,600 00

CHARITABLE.

STATE BOARD OF CHARITIES.

TRAVELING EXPENSES.

For deficiency in appropriation for the actual and necessary traveling expenses of the employees of the department in the performance of their official duties, two thousand five hundred dollars.

2,500 00

RENT.

For rent of offices, two thousand five hundred dollars.

2,500 00

OFFICE EXPENSES.

For deficiency in appropriation for office fixtures, filing cases, furniture and all other necessary incidental expenses, three thousand dollars.

3,000 00

STATE AND ALIEN POOR.

| | |
|---|-----------|
| For deficiency in the appropriation for furniture, books, printing, messages and other incidental office expenses, eight hundred dollars. | \$800 00 |
| For deficiency in the appropriation for maintenance, transportation and removal of state, non-resident and alien poor, seventeen thousand five hundred dollars. | 17,500 00 |

SALARY CLASSIFICATION COMMISSION.

SALARIES AND EXPENSES.

| | |
|---|--------|
| For the salary classification commission, for salaries, printing, postage and other expenditures of the commission established in accordance with the provisions of chapter fifty-eight of the laws of nineteen hundred and nine, constituting chapter fifty-six of the consolidated laws, seven hundred and fifty dollars. | 750 00 |
|---|--------|

FISCAL SUPERVISOR OF STATE CHARITIES.

OFFICE EXPENSES.

| | |
|---|----------|
| For deficiency in the appropriation for furniture, books, blanks, printing, messages, traveling expenses of inspectors, and other employees of the department on official business for the department; temporary and expert services and other necessary and incidental office expenses, five thousand dollars. | 5,000 00 |
| For deficiency in salaries, from May first to September thirtieth, of: | |
| deputy fiscal supervisor, four hundred sixteen dollars and sixty-five cents; | 416 65 |
| second deputy fiscal supervisor, four hundred sixteen dollars and sixty-five cents; | 416 65 |
| chief inspector, two hundred and eight dollars and thirty-two cents; | 208 32 |

| | |
|---|----------|
| one employee in ninth grade, one hundred and twenty-five dollars; | \$125 00 |
| one employee in seventh grade, one hundred and twenty-five dollars; | 125 00 |
| one employee in third grade, fifty dollars. | 50 00 |
| For the salary of one inspector from March first to September thirtieth, nineteen hundred and thirteen, eight hundred seventy-five dollars. | 875 00 |
| For deficiency in salary of one employee in seventh grade from April first to September thirtieth, one hundred and fifty dollars. | 150 00 |

CHARITABLE INSTITUTIONS.

WESTERN HOUSE OF REFUGE FOR WOMEN, ALBION.

The unexpended balances of former appropriations are hereby reappropriated for the same purposes:

by chapter eight hundred and twenty-two, laws of nineteen hundred and eleven, for herd of cows, one thousand dollars (re. \$1,000);

for repairs and equipment, seven hundred two dollars and sixty-one cents (re. \$702.61);

for additional water supply, five hundred dollars (re. \$500);

by chapter eight hundred and eleven, laws of nineteen hundred and eleven, for repairs and equipment, four hundred forty-nine dollars and thirty cents (re. \$449.30);

for equipping cottage, hospital and industrial building, four hundred fifty dollars and seventy-nine cents (re. \$450.79);

for sewage disposal, four thousand nine hundred eighty-two dollars and seventy cents (re. \$4,982.70).

For deficiency in maintenance, made necessary by higher cost for commodities, six thousand dollars, or so much thereof as may be necessary.

6,000 00

NEW YORK STATE SCHOOL FOR THE BLIND, BATAVIA.

The unexpended balances of former appropriations
are hereby reappropriated for the same pur-
poses:

by chapter eight hundred and twenty-two, laws
of nineteen hundred and eleven, for repairs
and equipment, one hundred thirty-four dol-
lars and sixty-seven cents (re. \$134.67);

for new building, thirty-five thousand dollars (re.
\$35,000);

by chapter eight hundred and eleven, laws of
nineteen hundred and eleven, for laundry
equipment, one hundred sixty-nine dollars and
twenty-seven cents (re. \$169.27);

PIPES AND SEWERS.

for repairs to sewer, two hundred sixty-eight
dollars and sixteen cents (re. \$268.16).

For deficiency in maintenance, made necessary by
higher cost for commodities, two thousand dol-
lars, or so much thereof as may be necessary. \$2,000 00

NEW YORK STATE SOLDIERS AND SAILORS HOME, BATH.

For repairs and equipment to electric light plant
and wiring of buildings, five thousand six hun-
dred dollars. 5,600 00

The unexpended balances of former appropriations
are hereby reappropriated for the same pur-
poses:

by chapter eight hundred and twenty-two, laws
of nineteen hundred and eleven, repairs and
equipment, one hundred thirty-six dollars and
forty-five cents (re. \$136.45);

for fire escapes, barracks A, B and C, one thou-
sand four hundred seventy-nine dollars and
fifty cents (re. \$1,479.50);

for electric elevator, three thousand nine hun-
dred fifty-three dollars and sixty-one cents
(re. \$3,953.61).

for maintenance and for the transportation of applicants for admission, and for ordinary repairs of buildings and grounds, one hundred and sixty thousand dollars. \$160,000 00

for deficiency in maintenance made necessary by higher cost for commodities, twenty thousand dollars, or so much thereof as may be necessary. 20,000 00

unexpended balance of appropriation, made by chapter five hundred and thirty, laws of nineteen hundred and twelve, for repairs and equipment to electric light plant and wiring of buildings at the soldiers and sailors' home, five thousand six hundred dollars (re. \$5,600).

NEW YORK STATE REFORMATORY FOR WOMEN, BEDFORD HILLS.

The unexpended balances of former appropriations are hereby reappropriated for the same purposes:

by chapter eight hundred and eleven, laws of nineteen hundred and eleven, for furnishing of industrial building, three hundred sixty-one dollars and eighty cents (re. \$361.80);

for motor, five thousand dollars (\$5,000) is hereby reappropriated for improvements to electric plant, and appropriations for twenty horse-power alternating current motor, six hundred dollars (\$600) is also reappropriated for improvement to electric plant.

by chapter eight hundred and twenty-two, laws of nineteen hundred and eleven, for two cottages, two thousand five hundred dollars (re. \$2,500);

for additional boiler, seven hundred one dollars and twenty-five cents (re. \$701.25);

for extension of laundry, one thousand four hundred five dollars and thirty cents (re. \$1,405.30).

for deficiency in maintenance, made necessary by additional population and higher cost for commodities, sixteen thousand dollars, or so much thereof as may be necessary. \$16,000 00

NEW YORK STATE REFORMATORY, ELMIRA.

The unexpended balances of former appropriations are hereby reappropriated for the same purposes:

by chapter eight hundred and eleven, laws of nineteen hundred and eleven, for plumbing, five hundred ninety-six dollars and fifty-eight cents (re. \$596.58);

by chapter eight hundred and twenty-two, laws of nineteen hundred and eleven, for reconstruction of hospital (additional appropriation), one hundred twenty-nine dollars and forty-five cents (re. \$129.45);

for repairs and equipment, one thousand one hundred sixty dollars and sixty-four cents (re. \$1,160.64).

for the purpose of paying the balance of the bill of C. A. Petrie and Company, of Elmira, New York, for coal furnished in the year nineteen hundred and ten, three hundred thirty-three dollars and one cent. 333 01

for deficiency in maintenance, made necessary by higher cost for commodities, fifteen thousand dollars, or so much thereof as may be necessary. 15,000 00

NEW YORK STATE TRAINING SCHOOL FOR GIRLS, HUDSON.

The unexpended balances of former appropriations are hereby reappropriated for the same purposes:

by chapter eight hundred and twenty-two, laws of nineteen hundred and eleven, for new cottages, twenty-one thousand seven hundred forty-five dollars and sixty-eight cents (re. \$21,745.68);

for school building, seventy-five thousand dollars (re. \$75,000);

for repairs and equipment, one hundred sixty-four dollars and seventy cents (re. \$164.70);
by chapter eight hundred and eleven, laws of nineteen hundred and eleven, for switch to coal pocket, etc., three hundred thirteen dollars and seventeen cents (re. \$313.17).

For deficiency in maintenance, made necessary by higher cost for commodities, eighteen thousand dollars, or so much thereof as may be necessary. \$18,000 00

STATE AGRICULTURAL AND INDUSTRIAL SCHOOL, INDUSTRY.

The unexpended balances of former appropriations are hereby reappropriated for the same purposes:

by chapter eight hundred and twenty-two, laws of nineteen hundred and eleven, for piping, eight thousand one hundred twenty-six dollars and ten cents (re. \$8,126.10);

for installing electric light system, two hundred thirty-five dollars and seventy-five cents (re. \$235.75);

for drain tile, two hundred seven dollars and ten cents (re. \$207.10);

for additional silos, four hundred six dollars and seventy-four cents (re. \$406.74);

by chapter eight hundred and eleven, laws of nineteen hundred and eleven, for water supply for cottages, two hundred twenty-seven dollars and forty-two cents (re. \$227.42);

for three cottages for boys, three hundred seventy-one dollars and four cents (re. \$371.04);

for under and over passes, five thousand dollars (re. \$5,000);

for shed for tools, three hundred eighty-one dollars and forty-three cents (re. \$381.43);

for trades school and laundry equipment, one thousand six hundred eighty-four dollars and fifty-five cents (re. \$1,684.55);

for fire extinguishers, et cetera, two thousand two hundred eighty-seven dollars (re. \$2,287);

For deficiency in maintenance, made necessary by higher cost for commodities, sixteen thousand dollars, or so much thereof as may be necessary. \$16,000 00

THOMAS INDIAN SCHOOL, IROQUOIS.

The unexpended balances of former appropriations are hereby reappropriated for the same purposes:

by chapter eight hundred and twenty-two, laws of nineteen hundred and eleven, for poultry house and piggery, three hundred thirty-one dollars and eighty-six cents (re. \$331.86);

for repairs and equipment, one hundred fifty-three dollars and five cents (re. \$153.05);

for addition to school building, four thousand one hundred sixty-six dollars and twenty-one cents (re. \$4,166.21);

For deficiency in maintenance, made necessary by higher cost of commodities, five thousand dollars, or so much thereof as may be necessary. 5,000 00

EASTERN NEW YORK REFORMATORY, NAPANOCH.

The unexpended balances of former appropriations are hereby reappropriated for the same purposes:

by chapter eight hundred and eleven, laws of nineteen hundred and eleven, for mess hall and kitchen, five hundred four dollars and three cents (re. \$504.03);

for furnishing and equipping storehouse, two hundred fifty-seven dollars and thirty-three cents (re. \$257.33);

for purchase of land, two thousand six hundred ninety-eight dollars (re. \$2,698);
 for sewers, one thousand five hundred dollars (re. \$1,500);
 for furnishing mess hall and kitchen, ninety-four dollars and twenty-nine cents (re. \$94.29);
 for electric appliances and cable, one thousand six hundred twenty-six dollars and forty-nine cents (re. \$1,626.49);
 for equipping trade school and shop building, two hundred one dollars and twenty-six cents (re. \$201.26);
 by chapter eight hundred and twenty-two, laws of nineteen hundred and eleven, for repairs and equipment, one hundred seven dollars and eighty-five cents (re. \$107.85).

NEW YORK STATE CUSTODIAL ASYLUM, NEWARK.

The unexpended balances of former appropriations are hereby reappropriated for the same purposes:

by chapter eight hundred and twenty-two, laws of nineteen hundred and eleven, for repairs and equipment, seven hundred seven dollars and fifty-two cents (re. \$707.52);
 for additional land, ten thousand dollars (re. \$10,000);
 for new boiler, one thousand eight hundred sixty-eight dollars and fifty-nine cents (re. \$1,868.59);
 for employees' building, thirty thousand dollars (re. \$30,000);
 for the equipment of cold storage plant, twenty-five hundred dollars;
 for cottage for contagious diseases, two thousand five hundred dollars (re. \$2,500);
 for boiler for the green house, two hundred fifty dollars (re. \$250);

\$2,500 00

for fire alarm system, five hundred dollars (re. \$500);
 for one cottage, sixty thousand dollars (re. \$60,000);
 for one hospital, sixty thousand dollars; \$60,000 00
 for pipe from spring, six thousand nine hundred eighty dollars and seventy-nine cents (re. \$6,980.79);
 reappropriation for equipment of cold storage instead of for a boundary fence, seventy-five hundred dollars (\$7,500);
 by chapter eight hundred and eleven, laws of nineteen hundred and eleven, for grading and seeding, one hundred seventy-six dollars and thirty-three cents (re. \$176.33);
 for fire escapes, four hundred five dollars and sixty cents (re. \$405.60);
 for sewage disposal plant, eight hundred seventy dollars and twenty-eight cents (re. \$870.28).
 for deficiency in maintenance, made necessary by higher cost for commodities, five hundred dollars, or so much thereof as may be necessary. 5,000 00

NEW YORK STATE WOMEN'S RELIEF CORPS HOME, OXFORD.

The unexpended balances of former appropriations are hereby reappropriated for the same purposes:

by chapter eight hundred and twenty-two, laws of nineteen hundred and eleven, for repairs and equipment, two hundred one dollars and eighteen cents (re. \$201.18);
 for hydraulic elevator, three thousand eight hundred fourteen dollars and thirty-seven cents (re. \$3,814.37);
 for extension of roads, et cetera, three thousand dollars (re. \$3,000);
 by chapter eight hundred and eleven, laws of nineteen hundred and eleven, for water supply, two thousand twelve dollars and five cents (re. \$2,012.05);

for equipment, hospital building, seven hundred eighty-one dollars and seventy-five cents (re. \$781.75);

For deficiency in maintenance, made necessary by higher cost for commodities, four thousand dollars, or so much thereof as may be necessary. \$4,000 00

NEW YORK STATE HOSPITAL FOR TUBERCULOSIS, RAY BROOK.

The unexpended balances of former appropriations are hereby reappropriated for the same purposes:

by chapter eight hundred and eleven, laws of nineteen hundred and eleven, for electric units, et cetera, one hundred sixty-one dollars and forty-one cents (re. \$161.41);

for construction of fire line, one hundred fifteen dollars and ninety-one cents (re. \$115.91);

by chapter eight hundred and twenty-two, laws of nineteen hundred and eleven, for fire equipment, four thousand four hundred seventy-three dollars and fifty-three cents (re. \$4,473.53).

for repairs and equipment, four hundred three dollars and ninety-four cents (re. \$403.94).

for maintenance, ninety-eight thousand five hundred dollars. 98,500 00

for deficiency in maintenance, made necessary by higher cost for commodities, eighteen thousand dollars, or so much thereof as may be necessary. 18,000 00

ROME STATE CUSTODIAL ASYLUM, ROME.

The unexpended balances of former appropriations are hereby reappropriated for the same purposes:

by chapter eight hundred and twenty-two, laws of nineteen hundred and eleven, for repairs and equipment, four hundred and forty-eight dollars and seventy-eight cents (re. \$448.78);

for addition to laundry, one thousand one hundred fifty-two dollars and sixty-six cents (re. \$1,152.66);

for deficiency in maintenance, made necessary by higher cost for commodities, twenty-five thousand dollars, or so much thereof as may be necessary.

\$25,000 00

CRAIG COLONY FOR EPILEPTICS, SONYEA.

The unexpended balances of former appropriations are hereby reappropriated for the same purposes:

by chapter eight hundred and twenty-two, laws of nineteen hundred and eleven, for repairs and equipment, et cetera, one hundred ten dollars and forty cents (re. \$110.40);

for brick school, eleven thousand one hundred fifty-six dollars and fifty-five cents (re. \$11,156.55);

for four cottages, four thousand dollars (re. \$4,000);

for deficiency in maintenance, made necessary by higher cost for commodities, twenty-eight thousand dollars, or so much thereof as may be necessary.

28,000 00

SYRACUSE STATE INSTITUTION FOR FEEBLE-MINDED CHILDREN.

The unexpended balances of former appropriations are hereby reappropriated for the same purposes:

by chapter eight hundred and twenty-two, laws of nineteen hundred and eleven, for repairs and equipment, four thousand four hundred sixty-two dollars and ninety cents (re. \$4,462.90).

for deficiency in maintenance, made necessary by higher cost of commodities, ten thousand dollars, or so much thereof as may be necessary.

10,000 00

LETCHWORTH VILLAGE, THIELLS.

The unexpended balances of former appropriations are hereby reappropriated for the same purposes:

by chapter eight hundred and twenty-three, laws of nineteen hundred and eleven, for electric lines, nine thousand two hundred forty-seven dollars and eighty-one cents (re. \$9,247.81);

for furniture and equipment, one thousand three hundred forty-three dollars and twenty-nine cents (re. \$1,343.29);

for deficiency in the appropriation for the employment by the state architect of architectural, engineering, and other expert assistants.

\$10,000 00

for completion of farm buildings, two hundred twenty-five dollars and five cents (re. \$225.05);

for power and heating plant and equipment, seventy-five thousand dollars (re. \$75,000);

for steam conduit and piping, twenty-three thousand two hundred ninety-four dollars and fifty cents (re. \$23,294.50).

NEW YORK STATE HOSPITAL FOR THE CARE OF CRIPPLED AND DEFORMED CHILDREN, WEST HAVERSTRAW.

For deficiency in maintenance, made necessary by higher cost for commodities, three thousand dollars, or so much thereof as may be necessary.

3,000 00

For emergency appropriation on account of damages caused by cyclone, five hundred dollars.

500 00

NEW YORK STATE TRAINING SCHOOL FOR BOYS, YORKTOWN HEIGHTS.

The unexpended balances of former appropriations are hereby reappropriated for the same purposes:

by chapter eight hundred and twenty-one, laws of nineteen hundred and eleven, for compensation of employees and expenses, nine hundred eighty-nine dollars and fifty-eight cents (re. \$989.58);

for farm labor and expenses, one hundred eighteen dollars and sixty-seven cents (re. \$118.67);

for repairs and equipment to buildings, five thousand seven hundred sixty-eight dollars and twenty-one cents (re. \$5,768.21);

for power house and coal pocket, thirty-five thousand dollars (re. \$35,000);

for water supply and sewage disposal, fifty-five thousand dollars (re. \$55,000);

for spur track, eight thousand eight hundred fifteen dollars and forty-three cents (re. \$8,815.43);

for expense of board of managers, one hundred eighty-two dollars and sixty-five cents (re. \$182.65);

for right of way, seventeen thousand three hundred fifty-three dollars and thirty cents (re. \$17,353.30).

On the warrant of the comptroller, the state treasurer shall pay to the institutions for deaf and dumb, out of funds already appropriated for the maintenance of pupils at said institutions by chapter five hundred and forty-six of the laws of nineteen hundred and twelve, at the per capita rate of three hundred and twenty-five dollars (\$325) a school year of forty weeks, for the actual attendance at said institutions of state pupils as follows:

To the Northern New York Institution for Deaf-Mutes for the attendance of pupils numbers one hundred and fifty-two, one hundred and fifty-three, one hundred and sixty-four and one hundred and ninety-six between September nineteen, nineteen hundred and eleven, and April eight, nineteen hundred and twelve;

to the Central New York Institution for Deaf-Mutes for the attendance of pupils numbers three hundred and ninety-seven, four hundred and one and four hundred and fourteen between September fourteen, nineteen hundred and eleven, and April eight, nineteen hundred and twelve;

to the Western New York Institution for Deaf-Mutes for the attendance of pupils numbers four hundred and sixty, four hundred and sixty-six, four hundred and seventy, four hundred and seventy-two, four hundred and seventy-six, four hundred and eighty and four hundred and ninety between September ten, nineteen hundred and eleven, and April eight, nineteen hundred and twelve;

to the New York Institution for the Instruction of the Deaf and Dumb for the attendance of pupils numbers twenty-two hundred and seventy-one, twenty-two hundred and eighty-three, twenty-three hundred and one, twenty-three hundred and forty-two, twenty-three hundred and fifty-eight, twenty-three hundred and sixty-seven, twenty-three hundred and seventy-one, twenty-three hundred and seventy-six and twenty-three hundred and eighty-seven between September thirteen, nineteen hundred and eleven, and April eight, nineteen hundred and twelve;

on vouchers properly rendered by said institutions, verified by the oaths of the presidents and secretaries of the boards of managers of the respective institutions, and approved by the commissioner of education.

NORTHERN NEW YORK INSTITUTION FOR DEAF-MUTES

For additional fire protection as directed by the state fire marshal, seven hundred forty-two dollars.

\$742 00

PROTECTIVE.**TRUSTEES OF PUBLIC BUILDINGS.****OFFICIAL SALARIES.**

For salary of supervising auditor of accounts presented for rebuilding capitol destroyed by recent fire and accounts of the new education building and boiler house, from January first, nineteen hundred and thirteen, seven hundred fifty dollars. \$750 00

AUDITOR'S OFFICE, RENT.

For rent of office of auditor of accounts, five hundred dollars. 500 00

DEPARTMENT OF PUBLIC BUILDINGS.**MEDICAL CARE, STATE EMPLOYEES.**

For the maintenance and medical and surgical care by hospitals of such officers, members and employees of the several departments, bureaus and branches of the state government, as may be injured or become sick while in the performance of their duties, said persons to be admitted on the certificate of the superintendent of public buildings, after proper evidence of disability shall have been filed with such superintendent over the signature of the head of the department, bureau or branch of said government in which such duties were performed or over the signature of his deputy, and of a physician or surgeon duly authorized to practice medicine in the state of New York, five thousand dollars. 5,000 00

CONTINGENT.

For moving and incidental expenses of state departments compelled to secure quarters outside the capitol on account of fire, five thousand dollars or so much thereof as may be necessary. 5,000 00

CARE AND CLEANING SERVICES.

For services of elevatormen, orderlies, watch engineers, mechanics, laborers, porters, cleaners and other necessary employees in the care and main-

tenance of the education building and in other quarters temporarily occupied by the education department, sixty thousand dollars.

\$60,000 00

PAINTING AND REPAIRS.

For painting and other incidental repairing and furnishing needed to preserve and renew the buildings, premises and property in charge of the superintendent of public buildings, to be expended under his direction, five thousand dollars.

5,000 00

For deficiency for furniture, repairs, coal, fuel, water, machinery, fixtures, appliances, supplies and other necessary and incidental expenses, seven thousand one hundred and fifteen dollars and seventy-one cents.

7,115 71

PLUMBING AND DRAINAGE.

For renewals, repairs and improvements of the plumbing and drainage systems of the public buildings and of the fixtures and appliances in connection therewith, to be expended in the discretion of the superintendent of public buildings, seven thousand five hundred dollars.

7,500 00

SENATE HOUSE, KINGSTON.

For the ordinary maintenance and extraordinary repairs of the senate house at Kingston, to be expended in the discretion of the superintendent of public buildings, three hundred dollars.

300 00

CONSERVATION DEPARTMENT.

OFFICIAL SALARIES

For deficiency in salary of chief of publication, June one to September thirty, nineteen hundred and thirteen, two hundred sixty-six dollars and sixty-six cents.

266 66

For deficiency in salaries of three deputy commissioners from May first to September thirtieth, nineteen hundred and thirteen, one thousand eight hundred and seventy-five dollars.

1,875 00

BUREAU OF PUBLICATION.

For expenses of the bureau of publication, printing, postage, preparing and distributing literature, and the expenses of illustrated lectures relative to conservation of the natural resources of the state, one thousand dollars or so much thereof as may be necessary.

\$1,000 00

ADDITIONAL EMPLOYEES.

Six thousand eight hundred eighty-five dollars and fifty-four cents, being the unexpended balance of an appropriation made by chapter eight hundred and ten, laws of nineteen hundred and eleven, for the salaries of additional employees, under section three of the conservation law, is hereby reappropriated for the same purpose (re. \$6,885.54).

ADVERTISING AND PRINTING.

For advertising and printing copies of regulations and orders under conservation law, two hundred dollars.

200 00

OFFICE EXPENSES.

For deficiency in appropriation for office rent, repairs, furniture, books, blanks, printing, stationery, messages, postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same, and other necessary and incidental office expenses, including care and maintenance of leased office, seven thousand dollars.

7,000 00

REIMBURSEMENT, JAY HAND.

For Jay Hand, sixty dollars, being the amount paid by him to the forest, fish and game commission on account of a charge of trespass made against him of cutting timber on lot thirteen, great lot twenty-two, Hardenburgh patent, it appearing by a subsequent survey that said cutting was not done on lands of the state.

60 00

For the payment of extra expenses of game protectors in discharge of duty outside of their respective districts and the payment of special protectors and wardens when such protectors and special protectors and wardens are acting under the orders of the commission or chief protector, five thousand dollars, or so much thereof as may be necessary.

\$5,000 00

FISH AND GAME DIVISION.

FINES AND PENALTIES.

For the payment of moieties, justices, constables, attorneys, witnesses, court costs, surveying and securing evidence for prosecutions for violations of the conservation law or forest, fish and game law, pursuant to the provisions of chapter three hundred and eighteen of the laws of nineteen hundred and twelve, five hundred dollars.

500 00

PRINTING FISH AND GAME LAW.

For printing thirty thousand copies of compilation of the fish and game law, pursuant to section one hundred sixty of chapter three hundred eighteen of the laws of nineteen hundred twelve, and two hundred thousand copies of a syllabus thereof, six thousand dollars.

6,000 00

STEAMBOATS AND LAUNCHES, EXPENSES.

For the maintenance and hire of steamboats and launches for patrolling the waters of the state in the interest of the protection and propagation of fish and game, five thousand dollars.

5,000 00

TAGGING MACHINES, ET CETERA.

For the purchase of machines for tagging, and tags for fish and game, one thousand five hundred dollars.

1,500 00

HUNTERS' LICENSE BUREAU, EXPENSES.

For printing two hundred thousand hunters' licenses in accordance with chapter three hundred eighteen, laws of nineteen hundred twelve, one thousand five hundred dollars.

1,500 00

DIVISION OF LANDS AND FORESTS.

PROTECTING STATE'S TITLE TO LAND.

For making surveys in protecting the state's title and interest in state land in the forest preserve, and mapping, et cetera, incident thereto, ten thousand dollars. \$10,000 00

FIRE PATROL.

For deficiency in appropriation for traveling expenses, services, supplies and equipment for the enforcement of the fire provisions of the conservation law, fifty thousand dollars. 50,000 00

OFFICIAL SALARIES.

For deficiencies in salaries of seventeen game protectors rated in the first grade for a full year at fifty dollars each (section one hundred and sixty-eight), eight hundred fifty dollars. 850 00

FISH HATCHERIES, MAINTENANCE.

For deficiency in maintenance of fish hatcheries and hatchery stations, traveling expenses of fish culturist and messenger, purchase of fish eggs and miscellaneous expenses, ten thousand dollars. 10,000 00

BUREAU OF MARINE FISHERIES.

For deficiency in salary of the supervisor and deputy supervisor of marine fisheries from May first to September thirtieth, nineteen hundred and thirteen, one thousand two hundred fifty dollars. 1,250 00

DIVISION OF INLAND WATERS.

SURVEYS, INVESTIGATIONS AND RIVER IMPROVEMENT.

For surveys, plans, estimates, examinations, investigations and reports and expenses incidental thereto, and not otherwise provided for, as required by section twenty-one of the conservation law, in connection with public water supplies, and the improvement of rivers and water-courses within the state, fifteen thousand dollars. 15,000 00

HYDROGRAPHIC INVESTIGATIONS.

For continuing the hydrographic investigations in co-operation with the United States Geological Survey, including the systematic gaging, measuring and recording the rainfall, evaporation and stream flow throughout the state, ten thousand dollars. \$10,000 00

INVESTIGATIONS OF RIVER STRUCTURES.

For making investigations, plans, reports, et cetera, under section twenty-two, article three of the conservation law, three thousand dollars. 3,000 00

INVESTIGATIONS OF DRAINAGE IMPROVEMENTS.

For making of investigations, plans, reports, et cetera, in petitions for drainage improvements and the creation of drainage improvement districts, one thousand dollars. 1,000 00

SURVEYS, INVESTIGATIONS AND RIVER IMPROVEMENT.

Twelve thousand and thirty-two dollars and ninety cents, being the unexpended balance of an appropriation made by chapter eight hundred and eleven of the laws of nineteen hundred and eleven, for surveys, plans, investigations and reports in connection with public water supplies and the improvement of rivers and water courses within the state, is hereby reappropriated for the same purpose (re. \$12,032.90).

STATE DAM, FOURTH LAKE.

For repairs to the state dam at the outlet of Fourth lake and improvement of the state lands adjacent to the outlet of said lake including the lands now occupied by the state fish hatchery, all in the town of Webb and county of Herkimer, three thousand dollars. 3,000 00

STATE DAM, SIXTH LAKE.

For the conservation commission the sum of ten thousand dollars, or so much thereof as may be necessary, for repairing the dam at Sixth lake in

Hamilton county and clearing out the channel through Sixth and Seventh lakes, such work to be done by department forces or by contract, whichever method in the judgment of the commission may seem to be for the best interests of the state. \$10,000 00

APPRAISAL AND SALE OF SURPLUS CANAL WATERS.

Eight thousand fourteen dollars and twenty-five cents, being the unexpended balance of an appropriation made by chapter eight hundred eleven, laws of nineteen hundred eleven, to defray the expenses of the commission in the appraisal and sale of surplus canal water under section four hundred of the conservation law, is hereby reappropriated for the same purpose (re. \$8,014.25).

PUBLIC LANDS.

LAND OFFICE EXPENSES.

For deficiency in appropriation for salary of the land clerk in the office of the secretary of state acting as secretary to the commissioners of the land office, seven hundred and fifty dollars. 750 00

JOHN ROBB.

For inspection of forest lands by John Robb, and commission for purchase of same, the sum of two thousand five hundred and eighty dollars. 2,580 00

TOWN OF HARRIETSTOWN.

For the town of Harrietstown, Franklin county, for the payment of the amount of taxes levied or which should have been levied, pursuant to section twenty-two of the tax law, for the years eighteen hundred and ninety-nine to nineteen hundred and eleven, inclusive, upon the real property in such town used by the board of trustees of Cornell University for a college of forestry, under claim of title by virtue of a deed or conveyance from the state pursuant to chapter one hundred and twenty-two of the laws of eigh-

teen hundred and ninety-eight, which deed or conveyance has been determined by the court of appeals to be ineffectual and void; payable by the treasurer on the warrant and audit of the comptroller to the supervisor of such town for general town purposes, eight thousand and twenty-four dollars and ninety-nine cents.

\$8,024 99

TOWN OF SANTA CLARA.

For the town of Santa Clara, Franklin county, for the payment of the amount of taxes levied or which should have been levied, pursuant to section twenty-two of the tax law, for the years eighteen hundred and ninety-nine to nineteen hundred and eleven, both inclusive, upon the real property in such town used by the board of trustees of Cornell University for a college of forestry, under claim of title by virtue of a deed or conveyance from the state pursuant to chapter one hundred and twenty-two of the laws of eighteen hundred and ninety-eight, which deed or conveyance has been determined by the court of appeals to be ineffectual and void, including taxes against such real property for the years eighteen hundred and ninety-two and eighteen hundred and ninety-five, levied on the assessment roll of nineteen hundred, but rejected; payable by the treasurer on the warrant and audit of the comptroller to the supervisor of such town for general town purposes, three thousand two hundred ninety-eight dollars and sixty-seven cents.

3,298 67

INDIAN AFFAIRS.

RELIEF OF ONONDAGAS.

Three hundred dollars, being the unexpended balance of an appropriation made by chapter eight hundred and ten of the laws of nineteen hundred and eleven for the relief of the Onondaga Indians, is hereby reappropriated for the same purpose (re. \$300).

ONONDAGAS, PURCHASE OF SALT.

| | |
|--|---------|
| For the agent of the Onondagas on the Onondaga reservation, for the purchase and distribution of salt for the Indians, ninety dollars. | \$90 00 |
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FIRE MARSHAL.

OFFICIAL SALARIES.

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|--|--------|
| For deficiency in salary of second deputy state fire marshal from May sixteenth, nineteen hundred and twelve, to September thirtieth, nineteen hundred and twelve, four hundred thirty-seven dollars and thirty-eight cents. | 437 38 |
|--|--------|

GRADED EMPLOYEES.

| | |
|---|----------|
| For the salaries of additional employees, July first, nineteen hundred and thirteen, to September thirtieth, nineteen hundred and thirteen: | |
| tenth grade, two employees, twelve hundred dollars; | 1,200 00 |
| ninth grade, two employees, ten hundred fifty dollars; | 1,050 00 |
| eighth grade, one employee, four hundred fifty dollars; | 450 00 |
| seventh grade, seven employees, twenty-three hundred twenty-five dollars; | 2,325 00 |
| sixth grade, fourteen employees, forty-one hundred fifty dollars; | 4,150 00 |
| fifth grade, one employee, two hundred twenty-five dollars. | 225 00 |

NIAGARA RESERVATION.

ROADS AND WALKS.

| | |
|--|-----------|
| For roads and walks, five thousand dollars. | 5,000 00 |
| For construction of shed or barn for tolls, implements, et cetera, ten thousand dollars. | 10,000 00 |

LINING OF TUNNELS, ET CETERA.

| | |
|---|-----------|
| For lining of tunnel and space at foot of elevator, ten thousand dollars. | 10,000 00 |
|---|-----------|

GREEN AND GOAT ISLAND BRIDGES.

For deficiency in appropriation made by chapter five hundred forty-seven of the laws of nineteen hundred twelve for the reconstruction of the Green and Goat Island bridges, the sum of five thousand dollars, or so much thereof as may be necessary.

\$5,000 00

PALISADES INTERSTATE PARK.

SALARIES OF CREW OF "HALF MOON."

One thousand eight hundred twelve dollars, being the unexpended balance of an appropriation made by chapter eight hundred eleven, laws of nineteen hundred eleven, for salaries of the master, mate and cook of the "Half Moon," is hereby reappropriated for the same purpose (re. \$1,812).

STATE RESERVATION AT SARATOGA SPRINGS.

For the payment of witnesses, experts, accountants, surveyors, attorneys and counsel and other necessary expenses incidental to the conduct by the attorney-general of the defense to the claims filed against the state by persons whose properties, or easements in whose properties, have been taken for the state reservation at Saratoga Springs, twenty-five thousand dollars, or so much thereof as may be necessary, to be paid by the comptroller upon the approval of the attorney-general.

25,000 00

STONY POINT RESERVATION.

LABOR.

For labor, two hundred dollars.

200 00

MAINTENANCE.

For general maintenance and repairs to building and grounds, five hundred dollars.

500 00

RETAINING WALL.

For retaining wall at water front, two hundred fifty dollars.

250 00

WATKINS GLEN RESERVATION.

OFFICIAL SALARIES.

For deficiency in appropriation for salary of the superintendent for the fiscal year ended September thirtieth, nineteen hundred and twelve, one hundred ninety-three dollars and fifty cents. \$193 50

For deficiency in appropriation for salary of the secretary and treasurer for the fiscal year ended September thirtieth, nineteen hundred and twelve, one hundred thirty-three dollars and thirty-three cents. 133 33

SHELTER PAVILION.

For construction of a shelter pavilion south of suspension bridge, including excavating and grading, eight thousand dollars. 8,000 00

CONCRETE DYKE.

For constructing concrete dyke along Glen creek, six thousand dollars. 6,000 00

CONCRETE BRIDGE

For constructing concrete bridge over Watkins Glen creek at entrance to State park on Franklin street, fourteen thousand dollars. 14,000 00

LAKE GEORGE BATTLEGROUND PARK.

WATER SUPPLY.

For the purpose of renting from the Lake George Water Company, a supply of water for domestic and fire protection purposes, one hundred eighty dollars. 180 00

IMPROVEMENTS.

For the purpose of cleaning up the paths and roads around said park, the cutting down of brush and dead trees, and for the proper disposal of same, three hundred fifty dollars. 350 00

GUIDE POSTS.

For the erection of markers and guide posts within said park, one hundred dollars. 100 00

SCHUYLER MANSION.

The sum of five thousand dollars appropriated by chapter four hundred and forty of the laws of nineteen hundred and eleven for maintenance and repairs to the Schuyler mansion property, purchase and collection of furniture, relics and records, and for the salary of the keeper, is hereby reappropriated for the same purpose (re. \$5,000).

SIR WILLIAM JOHNSON MANSION.

REPAIRS.

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|---|----------|
| For repairs to walks and drives, and repairs to the old stone fort, one hundred eighty-seven dollars and eighty-nine cents. | \$187 89 |
|---|----------|

PAINTING.

| | |
|---|--------|
| For painting north side of mansion and woodwork of old stone fort, one hundred dollars. | 100 00 |
|---|--------|

REPAIRS AND GRADING.

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|---|----------|
| For moving and repairing barn and its abutments, grading and filling around caretaker's cottage and barn, one thousand two hundred dollars. | 1,200 00 |
|---|----------|

SARATOGA MONUMENT.

REPAIRS.

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| For maintenance, repairs and improvements, one thousand dollars. | 1,000 00 |
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PHILIPSE MANOR HALL.

PLANTING AND SODDING.

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|--|--------|
| For planting and sodding, three hundred dollars. | 300 00 |
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LABOR.

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| For labor, three hundred dollars. | 300 00 |
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CONTINGENT.

| | |
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| For postage, stationery, express, telephone service and other contingent expenses, one hundred dollars. | 100 00 |
|---|--------|

CLINTON HOUSE.

REPAIRS, ET CETERA.

For the Mahwenawasigh Chapter of the Daughters of the American Revolution, for repairs and restoration of Clinton House, three thousand dollars. \$3,000 00

WASHINGTON'S HEADQUARTERS.

For the restoration of Washington's Headquarters at Newburgh, to as near its original condition as possible, the sum of two thousand dollars. 2,000 00

CROWN POINT RESERVATION.

PUBLIC COMFORT STATION.

For deficiency in appropriation made by chapter five hundred forty-seven of the laws of nineteen hundred twelve for a public comfort station in accordance with the plans and designs of the state architect, two thousand five hundred dollars. 2,500 00

LETCHWORTH PARK.

REPAIRS TO BUILDINGS.

For repairs to buildings, five thousand dollars. 5,000 00

REPAIRS TO EQUIPMENT.

For repairs to equipment, road implements, tools, et cetera, five hundred dollars. 500 00

GUARD RAIL.

For guard rail, fences, et cetera, five hundred dollars. 500 00

WATER SUPPLY AND FIRE PROTECTION.

For water supply and fire protection, one thousand dollars. 1,000 00

LIGHTING PLANT.

For lighting plant, five hundred dollars. 500 00

STABLE EXPENSES.

For blacksmithing, horse feed, medicines, harness and other stable expenses, five hundred dollars. 500 00

APPENDIX.

3843

FUEL.

For fuel, one hundred fifty dollars. \$150 00

CONTINGENT.

For contingent expenses, five hundred dollars. 500 00

SARATOGA BATTLE MONUMENT DEDICATION
COMMISSION.

For deficiency in appropriation made by chapter four hundred and eighty-nine of the laws of nineteen hundred and twelve, for the public dedication of the Saratoga battle monument, the sum of two hundred and forty-four dollars. 244 00

NEW YORK MONUMENTS COMMISSION.

EXPENSES.

For the New York Monuments Commission, for salaries of engineer and secretary and necessary employees, and for such other expenses as may be required for the work of said commission, including actual and necessary traveling and other contingent expenses incurred by said commissioners in the discharge of their duties, and for compensation for their services, as provided for by section six of chapter three hundred seventy-one of the laws of eighteen hundred ninety-four, and chapter two hundred sixty-nine of the laws of eighteen hundred eighty-seven, five thousand dollars, to be paid by the treasurer on the warrant of the comptroller on vouchers approved by the presiding officer of said commission. 5,000 00

VICKSBURG MONUMENT.

For the erection of a suitable monument and markers to the memory of the New York troops who took part in the campaign and siege of Vicksburg, in addition to the amount authorized by chapter four hundred nineteen of the laws of nineteen hundred and two, four thousand dollars. 4,000 00

CONSTRUCTIVE.**DEPARTMENT OF STATE ARCHITECT.****SALARIES AND EXPENSES.**

For the salaries of the state architect, deputies, secretary, auditor, confidential inspectors, employees engaged in supervision and inspection, employees engaged in the preparation of plans and specifications, engineers, clerks, assistants, stenographers, and such other employees as may be necessary, for office supplies and expenses, for traveling expenses of the officers and employees of the department in the performance of their official duties, and for office furniture and construction, one hundred and eighty-one thousand dollars. \$181,000 00

STATE ARCHITECT.**PRIVATE SECRETARY.**

For deficiency in the salary of private secretary from May first to October first, three hundred and thirty-three dollars and thirty-three cents. 333 33

CONTINGENT.

For deficiencies in office expenses, traveling expenses, contingent fund and for salaries of draftsmen, tracers and employees, thirty-five thousand dollars. 35,000 00

STATE ENGINEER AND SURVEYOR.**TOPOGRAPHIC SURVEY.**

For the payment of work done and for continuing such work in co-operation with the United States geological survey in surveying and mapping the state of New York in the manner defined by chapter two hundred nineteen, laws of eighteen hundred and ninety-eight, ten thousand dollars. 10,000 00

DEPARTMENT SURVEYS.

For the defraying of expenses incurred in making surveys for miscellaneous purposes and for other departments and commissions, five thousand dollars.

\$5,000 00

HYDROGRAPHIC SURVEY.

For hydrographic work connected with the measurements of volumes of streams and flow of water in the state of New York for the purpose of determining the water supply available for canals and for potable and domestic uses, and the development of water powers, one thousand five hundred dollars. This appropriation to be used in co-operation with the United States geological survey in hydrographic work, provided an appropriation therefor is made by the United States government, otherwise this appropriation may be expended by the state engineer and surveyor without the co-operation from the United States government.

1,500 00

BRIDGE DESIGNERS.

For salaries and actual and necessary expenses of bridge designers and inspectors, and the necessary assistants, draughtsmen and supplies, two thousand dollars.

2,000 00

STATE BOUNDARY.

For traveling expenses and disbursements incurred pursuant to chapter fifty-nine of the laws of nineteen hundred nine in making examinations, surveys and maps for restoring and placing monuments on the boundary lines of the state, and for expenses incurred for labor and material in procuring and placing such monuments, three thousand dollars.

3,000 00

LAND GRANT EXPENSES.

For expenses in examining land grant applications, and making additions to maps of land board in the state engineer's office, one thousand dollars.

1,000 00

COMPILING OLD RECORDS.

For compiling data from old records in the land bureau in the state engineer's office, one thousand dollars.

\$1,000 00

DEPARTMENT OF PUBLIC WORKS.

For the superintendent of public works, the sum of five thousand dollars, or so much thereof as may be necessary for necessary repairs and maintenance of structures which have been constructed by the superintendent of public works on and connected with waters of this state, and which are not included as part of the canal system.

5,000 00

For the superintendent of public works, the sum of seven hundred and eighty dollars (\$780), or so much thereof as may be necessary for payment, pursuant to the provisions of chapter four hundred eighty-one of the laws of nineteen hundred and twelve, of the expense of procuring official bonds required by law to be executed and filed by the superintendent of public works, the deputy superintendent of public works, the three assistant superintendents of public works and the seventeen superintendents of canal repairs.

780 00

For the superintendent of public works, the sum of seventeen thousand three hundred five dollars and twenty-one cents for reimbursing the manufacturers' association of Fulton, for moneys expended by said association in the work of constructing a portion of the old hydraulic race wall, located on lands appropriated by the state on the Oswego canal, with interest, such work having been included in the contract known as barge canal contract number ten, which contract had been cancelled by the canal board prior to the doing of said work by the said manufacturers' association. Before said moneys shall be paid, the manufacturers' association of Fulton

shall present a detailed statement of the moneys expended by it in items, the kind of work performed, and the prices paid for same, duly verified with the vouchers therefor, to the superintendent of public works.

\$17,305 21

For the superintendent of public works, to be expended by him for the purpose of removing, opening up, breaking or destroying any ice, gorges, packs or blockades of ice in the Hudson river at any point south of the State dam at Troy whenever in his judgment the doing of such work shall be necessary for the prevention of or relief from flood, upon and near the Hudson river, as provided by section forty-a of the navigation law, the sum of seven thousand dollars, or so much thereof as may be necessary.

7,000 00

For deficiency in the appropriation for the actual and necessary traveling expenses of the three assistant superintendents of public works, for the fiscal year ended September thirtieth, nineteen hundred and thirteen, in the performance of their official duties, the sum of five hundred dollars, or so much thereof as may be necessary.

500 00

The sum of ten thousand dollars, or so much thereof as may be necessary for the purchase of timber and plank to be used in the repair of the lower Mohawk aqueduct over the Mohawk river at Crescent and other structures along the line of the canals.

10,000 00

The sum of seven hundred dollars, or so much thereof as may be necessary for payment, pursuant to the provisions of chapter four hundred and eighty-one of the laws of nineteen hundred and twelve, of the expense of procuring official bonds required by law to be executed and filed by the superintendent of public works, the deputy superintendent of public works, the three assistant superintendents of public works and the seventeen superintendents of canal repairs.

700 00

The sum of five thousand dollars, or so much thereof as may be necessary for necessary repairs and maintenance of structures which have been constructed by the superintendent of public works, on and connected with waters of this state, and which are not included as part of the canal system.

\$5,000 00

For deficiency in the appropriation for the actual and necessary traveling expenses of the assistant superintendents of public works, for the fiscal year ended September thirtieth, nineteen hundred and twelve, the sum of four hundred sixty-seven dollars and thirty-four cents (\$467.34), to be paid by the superintendent of public works on duly approved vouchers, as follows: To the assistant superintendent of public works for the eastern division, the sum of one hundred twenty-six dollars and twenty-seven cents (\$126.27); to the assistant superintendent of public works for the middle division, the sum of one hundred twenty-two dollars and three cents (\$122.03); to the assistant superintendent of public works for the western division, the sum of two hundred nineteen dollars and four cents (\$219.04); said disbursements and expenses having been made and incurred by the said assistant superintendents of public works in connection with the progress of work under the barge canal improvement.

467 34

For deficiency in the salary of the superintendent or public works, for the fiscal year ending September thirtieth, nineteen hundred and thirteen, the sum of two thousand dollars, or so much thereof as may be necessary.

2,000 00

For deficiency in the appropriation provided by chapter five hundred forty-six of the laws of nineteen hundred twelve, for necessary and incidental office expenses for the superintendent of public

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| works and assistant superintendents of public works, the sum of fifteen hundred dollars, or so much thereof as may be necessary. | \$1,500 00 |
| The sum of forty thousand dollars, or so much thereof as may be necessary for the removal of the tide gates now existing in the Shinnecock and Peconic canal in the county of Suffolk, and for the construction in place thereof of a lock of sufficient dimensions to accommodate traffic on said canal and to otherwise improve said canal; such work to be done by contract or by department forces, whichever method in the judgment of the superintendent of public works may be for the best interest of the state. | 40,000 00 |
| For the care, maintenance and operation of the lock and other structures on the Shinnecock and Peconic canal constructed or improved by the state, the sum of one thousand dollars, or so much thereof as may be necessary. | 1,000 00 |
| Six hundred and eighty dollars and seventy-six cents, being the unexpended balance of an appropriation made by chapter eight hundred and ten of the laws of nineteen hundred and eleven, for the necessary traveling expenses of the inspectors of steam vessels and for the supplies necessary for the performance of their official duties, under section five of the navigation law, is hereby reappropriated for the same purposes (re \$680.76). | |
| For the reconstruction of about two hundred feet of the causeway or dyke on the east side of the Black river between the bridge over Black river and the abutment of the state dam over said river, the sum of one thousand dollars, to be expended for such purpose by the superintendent of public works upon plans and specifications furnished by the state engineer and surveyor. | 1,000 00 |

For the improvement and removing of obstruction of Senix river and Aersconk creek, Suffolk county, two thousand five hundred dollars, or so much thereof as may be necessary.

\$2,500 00

For the superintendent of public works: the sum of one hundred and fifteen dollars, or so much thereof as may be necessary for payment to John Leggett, of Mechanicville, for work done in cleaning out and improving eleven hundred and fifty lineal feet of canal ditch on section one, Champlain canal, such moneys to be paid upon vouchers to be approved by the superintendent of public works.

115 00

For the reconstruction of about two hundred feet of the causeway or dyke on the east side of the Black river between the bridge over Black river and the abutment of the state dam over said river, the sum of one thousand dollars.

1,000 00

For the superintendent of public works, the sum of fifty thousand dollars, or so much thereof as may be necessary for improving that portion of Cattaraugus creek in the town of Sardinia, Erie county, from the point at which the public highway known as the Creek road crosses said creek to a point at or about the so-called Tavern farm in said town, by the construction of walls, cribbing or by other sufficient means for the purpose of protecting said public highway in said town, such work to be done either by contract or by department forces whichever method in the judgment of the superintendent of public works shall be for the best interests of the state, but none of said work shall be done until the owners of adjacent property shall file in the office of the superintendent of public works proper instruments in writing, granting to the state the right to enter upon and use such lands as may be necessary for progressing said work and releasing the state

from any damages which may result in consequence of such entry or use, or by reason of any work done under this act.

\$50,000 00

NEWTOWN BATTLEFIELD COMMISSION.

For the purchase of additional lands for a park, the completion of the roadway thereto, and the salary of a caretaker thereof, ten thousand dollars, or so much thereof as may be necessary, to be expended under the supervision of the Newtown battlefield reservation commission.

10,000 00

SARANAC RIVER.

For removing dead and floating timber and rendering safe and navigable the Saranac river between the dam across said river at the junction of Main street and Maple street in the village of Saranac Lake, and the easterly continuation of the southerly bounds of the land conveyed to Jennie Branch by Milo B. Miller in the town of Harriestown, county of Franklin, the sum of five thousand dollars or so much thereof as may be necessary.

5,000 00

KEUKA LAKE LIGHT HOUSE.

For the cost of electricity for lighting and maintaining lighthouse at the entrance of the channel on Lake Keuka at Penn Yan, one hundred fifty dollars.

150 00

MINISCEONGO CREEK BRIDGE.

For the maintenance and repair of the drawbridge over Minisceongo creek, Rockland county, two hundred dollars.

200 00

For the superintendent of public works, the sum of seven thousand dollars, or so much thereof as may be necessary for straightening the channel of and otherwise improving Fulmer creek in the county of Herkimer; such work to be done by department forces or by contract, whichever method in the judgment of the superintendent of public works may be for the best interest of the state.

No work shall be commenced until instruments in writing shall be filed in the office of the superintendent of public works by adjacent property owners releasing the state from any damage which may occur or arise by reason of the entry upon or use of adjacent property in connection with progress of the work herein authorized. \$7,000 00

LAKE KEUKA OUTLET.

For dredging the outlet of Lake Keuka and for repairing the dike protecting the same, thirty thousand dollars, or so much thereof as may be necessary, is hereby appropriated; the work to be done under the direction of the superintendent of public works. 30,000 00

DRAKE'S DRAWBRIDGE.

For the maintenance and repair of the drawbridge, known as Drake's drawbridge, spanning Wappinger creek in the village of New Hamburg, Dutchess county, two hundred dollars. 200 00

BRIDGE, LAKES WANITTA AND LAKOMA, SCHUYLER COUNTY.

For constructing bridge over channel between Lake Winitta, known as Little lake, and Lake Lakoma in Schuyler county, and for dredging and clearing channel, six thousand dollars. 6,000 00

GENERAL.

BANKING DEPARTMENT.

For deficiency in rent of additional room for the credit bureau in connection with the New York city branch office of this department to cover five months, from May first, nineteen hundred and thirteen, to September thirtieth, nineteen hundred and thirteen, at one thousand dollars per annum. 416 67

For deficiency in the salaries of first, second and third deputies from April first, nineteen hundred and thirteen, to September thirtieth, nineteen hundred and thirteen. 1,500 00

INSURANCE DEPARTMENT.

PRINTING REPORTS.

For printing and binding insurance reports, six thousand dollars, or so much thereof as may be necessary. \$6,000 00

SALARIES, ADDITIONAL EMPLOYEES.

For the salaries of additional clerks and stenographers in the insurance department made necessary by the increased volume of work to carry into effect the new requirements of the insurance laws, twenty-five thousand one hundred forty dollars, or so much thereof as may be necessary. 25,140 00

MISCELLANEOUS BUREAU.

SERVICES AND EXPENSES.

For furniture, equipment, blanks, printing, stationery, rent and salaries and traveling expenses of employees, to carry out the provisions of the amendatory laws of nineteen hundred and eleven and nineteen hundred and twelve in reference to agents, brokers, mutual fire insurance corporations of other states, et cetera, twenty-five thousand dollars. 25,000 00

And the further sum of fifteen thousand dollars (\$15,000), or so much thereof as may be necessary, being a portion of the unexpended balance of appropriation made by chapter eight hundred and eleven, laws of nineteen hundred and eleven, which is hereby reappropriated for the same purposes (re. \$15,000).

OFFICE EXPENSES.

For furniture, books, blanks, printing, stationery, messages, postage and transportation of letters, official documents and other matter sent by express or freight including boxes or covering for same, and necessary incidental office expenses, including New York office, the sum of thirty thousand one hundred and ninety dollars and sixty-seven cents (\$30,190.67), being the unexpended bal-

ance of appropriation granted by chapter eight hundred and ten, laws of nineteen hundred and eleven, which is hereby reappropriated for the same purposes.

TRAVELING EXPENSES.

For actual and necessary traveling expenses of the department employees in the performance of their official duties, the sum of three thousand six hundred and fifty-one dollars and fifty-three cents (\$3,651.53), being the unexpended balance of appropriation granted by chapter eight hundred and ten, laws of nineteen hundred and eleven, which is hereby reappropriated for same purposes.

VALUATIONS.

For expenses of computation, compilation and publication of new valuation tables for valuations, and other incidental expenses therewith to carry into effect the provisions of section eighty-four, chapter thirty-three, of the laws of nineteen hundred and nine, being the insurance law, the sum of four thousand nine hundred and sixty-two dollars and fifty cents (\$4,962.50), being the unexpended balance of appropriation granted by chapter eight hundred and ten, laws of nineteen hundred and eleven, which is hereby reappropriated for the same purposes.

APPRAISERS, EXAMINERS, ET CETERA.—SERVICES AND EXPENSES.

The following appropriations to be collected from and refunded to the treasury by the corporations under examination when disbursements therefrom are in consequence of service had or in connection with such examination; excepting, in the discretion of the superintendent of insurance, fraternal beneficiary orders, co-operative fire insurance corporations, and all other corporations or associations examined more frequently than required by statute.

For services and expenses of department appraisers in the state, for services and expenses of appraisers and examiners designated in other states, for services and expenses of counsel and for expenses of examiners in connection with examination of insurance companies and for extra temporary services when required, thirty thousand one hundred seventy-three dollars and eighteen cents being the unexpended balance of appropriation granted by chapter eight hundred and ten, laws of nineteen hundred and eleven, which is hereby reappropriated for the same purpose (re. \$30,173.18).

WORKMEN'S COMPENSATION BUREAU.

SERVICES AND EXPENSES.

For furniture, equipment, repairs, rent, blanks, printing, stationery, messages, postage and transportation of letters, official documents, and other matter sent by express and necessary office expenses, salaries and traveling expenses of employees, and all other expenses incident to carrying out the provisions of the amended insurance law in relation to assuring compensation to workmen injured in the course of their employment, the sum of seventy-five thousand dollars, or so much thereof as may be necessary.

\$75,000 00

INDUSTRIAL COMPENSATION BOARD.

For salaries of chairman, members of the board, secretary, clerical force, traveling expenses of members of the board and employees, rent, equipment, blanks, printing, stationery, messages, postage and transportation of letters, official documents, and other matter sent by mail or express, and all other expenses incident to carrying out the provisions of the amended insurance law in relation to assuring compensation to work-

men injured in the course of their employment,
the sum of seventy-five thousand dollars, or so
much thereof as may be necessary. \$75,000 00

THE COMMISSION ON SITES, GROUNDS AND BUILDINGS.

For the use of the commission for purchase con-
tracts of lands for sites and the purchase of lands,
the sum of eighty thousand dollars, of which five
thousand dollars shall be for the purchase of
books, blanks, printing, messages, postage, inci-
dental office expenses and traveling expenses of
the chairman of the senate finance committee and
chairman of the assembly ways and means com-
mittee. 80,000 00

ERRONEOUS PAYMENT OF TAXES.

For refund of payment of taxes erroneously paid
into the state treasury, two thousand five hundred
dollars. 2,500 00

REDEMPTION OF LANDS.

For repayment of moneys to purchasers on redemp-
tion of lands sold for taxes, twenty thousand dol-
lars. 20,000 00

For deficiency in the appropriation for the Saratoga
battle monument dedication commission created
by chapter four hundred eighty-nine, laws of
nineteen hundred and twelve, two hundred and
forty-four dollars. 244 00

DEPARTMENT OF HIGHWAYS.

BRIDGE — ALLEGANY INDIAN RESERVATION.

For the state highway commissioners for the de-
ficiency of the appropriation for the construction
of a bridge on the Allegany Indian reservation in
the village of Salamanca, and the lighting of
same, the sum of twelve thousand dollars, or so
much thereof as may be necessary. 12,000 00

DEPARTMENT OF PUBLIC WORKS.

For the services of the agent employed by the superintendent of public works on the request of the attorney-general, as provided in section two hundred seventy of the code of civil procedure, in defense of claims against the state on account of the canals, and for disbursements incurred by him, including the payment for such assistants as may be necessary in the preparation of cases to be advanced to said agent by the comptroller in such sums as may be approved by him, on such agent filing with the comptroller good and sufficient bond in the penalty of fifteen thousand dollars, for which advances vouchers shall be rendered, fifteen thousand dollars. \$15,000 00

REPAIRING BREAKWATER "C," SENECA LAKE.

For the superintendent of public works for repairing and improving the breakwater known as breakwater "C" in Seneca lake at Watkins, New York, five thousand five hundred dollars. 5,500 00

STATE BOARD OF CLAIMS.

JUDGMENTS.

For payment of judgments made by the board of claims in claims before said board, with interest thereon as provided by law, forty thousand dollars. 40,000 00

To Asa Bird Gardiner, for services and disbursements incurred under the authorization of attorneys-general Jackson and O'Malley, in the various proceedings affecting Harry K. Thaw, an inmate of the Matteawan state hospital, the sum of five thousand seven hundred and fifty dollars. 5,750 00

For James W. Osborne, for compensation for services and disbursements between December nineteenth, nineteen hundred and eleven, through September tenth, nineteen hundred and twelve,

in the matter of the proposed special grand jury at Albany, concerning matters relating to the senate investigation of Albany county in the year nineteen hundred and eleven, two thousand five hundred dollars.

\$2,500 00

For Arthur T. Warner, for compensation for services and disbursements between December nineteenth, nineteen hundred and eleven, through September tenth, nineteen hundred and twelve, in the matter of the proposed special grand jury at Albany, concerning matters relating to the senate investigation of Albany county in the year nineteen hundred and eleven, three thousand five hundred dollars.

3,500 00

To Patrick Cashin for the purpose of refunding the value of liquor tax certificate for period during which he was illegally deprived of its use, namely from December first, eighteen hundred and ninety-nine, to April thirtieth, nineteen hundred, which certificate he obtained on April twenty-ninth, eighteen hundred and ninety-nine, and on which he paid two-thirds of its value, to wit: eight hundred dollars; said license having been improperly and illegally revoked June second, nineteen hundred, by order of the supreme court, cancelled and surrendered December first, eighteen hundred and ninety-nine; which said order of the supreme court was reversed, and the proceedings on which it was based, dismissed, by order of the court of appeals (163 N. Y. 205); the value of said certificate after revocation being the time during which he was thus unjustly deprived of its use.

222 22

For Frederick Skene, former state engineer and surveyor, for counsel fees, expenses and compensation of expert and other witnesses and stenographers necessarily incurred and paid by him in connection with his proper defense of certain charges of irregularity, as contained in

various indictments filed against him by the grand jury of the county of Albany, charging him with violation of law in his official capacity; the trial before a petit jury upon the first of said indictments resulting in his acquittal and the remaining number of which said indictments were thereafter duly and regularly dismissed by an order of the supreme court, made and entered in said county, sixteen thousand six hundred dollars. \$16,000 00

HIGHWAY IMPROVEMENT FUND.

For deficiencies in salaries from May first to September thirtieth, nineteen hundred and thirteen, of:

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| the commissioner of highways, the sum of two thousand nine hundred and sixteen dollars and sixty-seven cents, or as much thereof as may be necessary. | 2,916 67 |
| the secretary, the sum of two thousand and eighty-three dollars and thirty-four cents, or so much thereof as may be necessary. | 2,083 34 |
| the consulting engineer, the sum of five thousand two hundred and eight dollars and thirty-four cents, or as much thereof as may be necessary. | 5,208 34 |
| the first deputy as provided by chapter eighty of the laws of nineteen hundred and thirteen, the sum of two thousand five hundred dollars, or so much thereof as may be necessary. | 2,500 00 |
| the six division engineers and for salaries of three division engineers as provided by chapter eighty of the laws of nineteen hundred and thirteen, the sum of seven thousand five hundred dollars, or so much thereof as may be necessary. | 7,500 00 |
| the auditor, as provided by chapter eighty of the laws of nineteen hundred and thirteen, the sum of two hundred and eight dollars and thirty-four cents, or so much thereof as may be necessary. | 208 34 |

the acting superintendent of highways, covering the period from and including March eighth, nineteen hundred and thirteen, up to the time that a regular superintendent is appointed as provided by chapter eighty of the laws of nineteen hundred and thirteen, making up the deficiency between the salary of the first deputy (five thousand dollars) and that of superintendent of highways (eight thousand dollars), five hundred dollars or so much thereof as may be necessary.

\$500 00

SPUYTEN DUYVIL CONSTRUCTION COMPANY CLAIM.

The Spuyten Duyvil Construction Company, for counsel fees and expenses in defending the suit of the Malone, Fort Covington and Hopkins Point Railroad Company, plaintiffs, against the Spuyten Duyvil Construction Company, Frederick Skene, ex-state engineer, and others, defendants, which case was appealed to the court of appeals, and which court unanimously affirmed the judgment in favor of the defendant, three thousand dollars, or so much thereof as may be necessary.

3,000 00

For the joint Buffalo city board, United Spanish war veterans, having in charge the reception and entertainment of the national encampment of United Spanish war veterans, to be held at Buffalo, N. Y., in the year nineteen hundred and thirteen, for the proper and legitimate expenses attending the reception and entertainment of a suitable representation of the state of New York at said encampment, and the reception and entertainment of such honorably discharged soldiers, sailors and marines, who served in the Spanish war, as may attend said encampment, ten thousand dollars or so much thereof as may be necessary, to be paid to and disbursed by the joint

Buffalo city board United Spanish war veterans
and to be properly vouchered for by said board to
the state comptroller. \$10,000 00

§ 2. No manager, trustee or other officer of any state, charitable or other institution receiving moneys under this act from the state treasury for maintenance and support shall be interested in any purchase, sale or contract made by any officer for any of said institutions. In accounts for repairs or new work not done under contract provided for in this act the name of each workman, the number of days he has been employed, and the rate and amount of wages paid to him shall be given. If contracts are made for repairs or new work, or for supplies duplicates thereof, with specifications, shall be filed with the comptroller.

§ 3. This act shall take effect immediately.

(No. 23½)

AMENDMENTS OFFERED TO THE SUPPLY BILL.

Page 2, line 9, strike out the words "executive legal assistant", and insert in place thereof, the words, "pardon clerk."

Page 2, line 12, strike out line 12.

Page 2, line 13, strike out line 13.

Page 2, line 21, after line 21, insert "Sixth grade, one employee, one thousand two hundred dollars, \$1,200.00".

Page 3, line 14, after line 14, insert, "For printing the State papers of the Governor for the year nineteen hundred and thirteen, one thousand dollars, or so much thereof as may be necessary, \$1,000.00".

Page 4, line 17, after line 17, insert "Private secretary, two thousand five hundred dollars, \$2,500.00."

Page 4, line 22, strike out line 22 after the word "grade", and down to and including the figures "2,200.00" on line 23, and insert in place thereof the following, "two employees, four thousand four hundred dollars, \$4,400.00".

Page 4, line 24, strike out line 24.

Page 4, line 25, strike out line 25, after the word "grade", and down to and including the figures "\$5,200.00" on line 26, and insert in place thereof "four employees, six thousand eight hundred dollars, \$6,800.00".

Page 5, line 2, strike out line 2, after the word "grade",

down to and including the figures "\$8,700.00" on line 3, and insert the following, "six employees, eight thousand six hundred dollars, \$8,600.00".

Page 5, line 4, strike out line 4, after the word "grade" down to and including the figures "\$13,200.00" on line 5, and insert the following, "thirteen employees, fourteen thousand four hundred dollars, \$14,400.00".

Page 5, line 6, strike out line 6 after the word "grade" down to and including the figures "\$12,600.00" on line 7, and insert the following, "thirteen employees, eleven thousand seven hundred dollars, \$11,700.00".

Page 5, line 12, strike out line 12, after the word "employees", down to and including the figures, "\$840.00" on line 13, and insert the following, "nine hundred sixty dollars, \$960.00".

Page 6, line 5, after line 5, insert, "For rebinding and preservation of original laws and records, five hundred dollars, or so much thereof as may be necessary, \$500.00".

Page 6, line 19, strike out line 19, and insert the following, "two deputy chiefs, five thousand four hundred dollars, \$5,400.00".

Page 7, line 2, strike out line 2 after the word "grade", and down to and including the figures "\$15,900.00", on line 3, and insert the following, "thirteen employees, fourteen thousand seven hundred dollars, \$14,700.00".

Page 7, line 4, strike out line 4 after the word "grade" and down to and including the figures "\$22,500.00" on page 5, and insert in place thereof, "twenty-six employees, twenty-three thousand four hundred dollars, \$23,400.00".

Page 7, line 6, strike out line 6 after the word "grade", and down to and including the figures "\$14,400.00" on line 7, and insert the following, "fifty-eight employees, forty-one thousand seven hundred and sixty dollars, \$41,760.00".

Page 7, line 8, after the word "grade" on line 8, strike out remainder of line 8, down to and including the figures "24,000.00" on line 9, and insert the following, "two employees, one thousand four hundred dollars, \$1,400.00".

Page 7, line 17, strike out the word "three" and insert in place thereof the word "four", and change the figures "\$3,000.00" to "\$4,000.00".

Page 7, line 22, strike out the word "or", and insert in place thereof a comma (,) and after the word "freight" insert the following words "or parcel post".

Page 8, line 25, strike out the word "five" and insert in place thereof the word "eight" and change the figures "\$1,500.00" to "\$1,800.00".

Page 9, line 3, before the word "dollars", insert the words "two hundred", and change the figures "\$1,000.00" to "\$1,200.00".

Page 9, line 7, after the word "thousand" insert "two hundred" and change the figures "\$1,000.00" to "\$1,200.00".

Page 10, line 8, after the word "twenty," insert the word "five," and change the figures "\$20,000.00" to "\$25,000.00".

Page 10, line 12, strike out the word "eight" and insert in place thereof the word "ten".

Page 10, line 13, strike out the figures "\$8,000.00" and insert in place thereof "\$10,000.00".

Page 10, line 21, strike out line 21 after the word "employees" and insert in place thereof "seven thousand, five hundred dollars, \$7,500.00".

Page 10, line 22, strike out line 22 after the word "employees" and insert in place thereof the following, "four thousand two hundred dollars, \$4,200.00".

Page 10, line 23, strike out line 23 after the word "employees" and insert in place thereof, "ten thousand five hundred dollars, \$10,500.00".

Page 11, line 2, strike out the words "nine hundred" and insert in place thereof "one thousand", and change the figures "\$900.00" to "\$1,000.00" on said line.

Page 11, strike out lines 10, 11 and 12, and insert in place thereof, the following, "For salaries of counsel, examiners, auditors and assistants and for the necessary traveling and other expenses in carrying out the provisions of section forty-five of the Executive Law and section sixteen of the Finance Law, seventy-five thousand dollars, \$75,000.00".

Page 12, line 8, strike out the word "four" and insert in place thereof the word "five", and change the figures "\$4,000.00" to "\$5,000.00" on said line.

Page 12, line 18, strike out said line after the word "grade" and down to and including the figures "\$5,800.00" one line 19, and insert in place thereof, "six employees, seven thousand dollars, \$7,000.00".

Page 12, line 20, strike out line 20 after the word "grade", and down to and including the figures "2,700.00" on line 21, and insert in place thereof, "two employees, one thousand eight hundred dollars, \$1,800.00."

Page 14, line 11, strike out line 11 after the word "eleven" and insert the following, "fifty thousand dollars, \$50,000.00".

Page 14, line 25, strike out line 25 after the word "law" and insert the following, "fifty thousand dollars, \$50,000.00."

Page 16, line 8, strike out line 8.

Page 19, line 12, after line 12, insert, "Ninth grade, one employee, two thousand, one hundred dollars, \$2,100.00". "Ninth grade, two employees, four thousand dollars, \$4,000.00".

Page 19, line 13, strike out line 13 after the word "grade" and down to and including the figures "\$3,600.00" on line 14, and insert in place thereof, "one employee, one thousand eight hundred dollars, \$1,800.00".

Page 19, line 15, strike out line 15 after the word "grade" and insert in place thereof, "five employees, seven thousand five hundred dollars, \$7,500.00".

Page 20, line 20, strike out line 20 after the word "law" and insert in place thereof, "eighteen thousand five hundred dollars, \$18,500.00".

Page 20, line 24, strike out line 24 after the word "grade" and down to and including the figures "\$1,800.00" on line 25, and insert the following, "two employees, three thousand six hundred dollars, \$3,600.00".

Page 21, line 2, strike out line 2.

Page 21, line 3, strike out line 3.

Page 21, line 4, strike out line 4 and insert the following: "Sixth grade, one employee, one thousand two hundred dollars, \$1,200.00".

Page 21, line 5, strike out line 5.

Page 21, line 6, strike out line 6.

Page 21, line 7, strike out line 7.

Page 21, line 8, strike out line 8.

Page 21, strike out lines 9, 10 and 11.

Page 21, line 24, after line 24, insert the following:

“NEW YORK CITY ELECTIONS.

“For the payment of counsel, attorneys, deputies and special deputies, process servers, stenographers, investigators and employees, employed in, attending to, investigating and prosecuting cases arising under the Election Law in the city of New York, together with any other expenses incidental to the handling of said cases, seven thousand five hundred dollars, \$7,500.00.”

Page 21, line 26, strike out line 26 after the word “thousand” and insert in place thereof, “five hundred eighty-nine dollars and thirty-seven cents, \$6,589.37”.

Page 22, line 4, after the word “servers” insert the words “traveling expenses”.

Page 27, line 17, strike out the word “twenty” and insert in place thereof the word “thirty.”

Page 27, line 18, change the figures “\$20,000.00” on line 18 to “\$30,000.00”.

Page 27, line 20, strike out the word “seven” and insert in place thereof the word “eleven”.

Page 27, line 20, strike out the word “four” and insert in place thereof the word “one”.

Page 27, line 21, strike out the figures “\$7,400.00” and insert in place thereof “\$11,100.00”.

Page 27, line 21, after line 21 insert the word “Referees”.

Page 28, line 9, strike out lines 9 and 10 and insert in place thereof the following, “four attendants acting as stenographers, seven thousand four hundred dollars, \$7,400.00”.

Page 28, line 24, strike out line 24 and insert in place thereof, “sand five hundred dollars, \$7,500.00”.

Page 29, line 6, strike out the word “two” and insert in place thereof the word “three”.

Page 29, line 7, strike out line 7, and insert in place thereof, “thousand eight hundred and forty dollars,” and change the figures “\$2,040.00” to “\$3,840.00”.

Page 29, line 15, strike out line 15 after the word “appeals”

down to and including the figures "2,500.00" on line 16, and insert in place thereof, the following, "four thousand dollars, \$4,000.00".

Page 35, line 10, after the word "library", insert "Long Island City".

Page 35, line 11, after the word "district", insert the words "Long Island City."

Page 36, line 2, after the word "library" insert, "Follett Memorial".

Page 36, line 3, after the word "district" insert the following words, "Follett Memorial."

Page 36, line 7, strike out line 7.

Page 36, line 12, after the word "Poughkeepsie" insert "six hundred dollars, \$600.00".

Page 37, line 15, after the word "Official", strike out the word "Referee", and insert in place thereof the word "Referees".

Page 37, line 20, strike out line 20, and down to and including the figures "\$11,500.00" on line 21, and insert in place thereof the following, "twenty-three thousand dollars, to be refunded to the treasury pursuant to said chapter, \$23,000.00".

Page 37, line 16, strike out the word "referee" and insert in place thereof the word "referees".

Page 41, line 6, strike out lines 6, 7, 8, 9, 10 and 11.

Page 46, line 7, strike out the word "ten" and insert in place thereof "fifty".

Page 46, line 8, strike out the figures "\$110,000.00" and insert in place thereof, "\$150,000.00".

Page 46, line 14, strike out line 14 after the word "law," and insert in place thereof, "sixty-five thousand dollars, \$65,000.00".

Page 46, line 8, after line 8 insert the following:

"For expenses of special investigators and confidential employees, including salaries and per diem allowance for subsistence, fifty thousand dollars, or so much thereof as may be necessary, fifty thousand dollars, \$50,000.00."

Page 47, line 3, strike out line 3 after the word, "auditor" and insert in place thereof the following, "three thousand dollars, \$3,000.00".

Page 47, line 5, strike out line 5 after the word "thousand"

down to and including the figures "\$1,250.00" and insert the following in place thereof, "five hundred dollars, \$1,500.00".

Page 47, line 8, strike out line 8 after the word "thousand" down to and including the figures "\$3,500.00" and insert in place thereof the following, "two hundred fifty dollars, \$3,250.00".

Page 47, line 10, strike out line 10, and insert in place thereof, "Eleventh grade, one employee, two thousand five hundred dollars, \$2,500.00".

Page 47, line 11, strike out line 11 after the word "employees" down to and including the figures "\$1,650.00" on line 12, and insert the following, "four thousand seven hundred dollars, \$4,700.00".

Page 47, line 15, strike out line 15 after the word "grade" and down to and including the figures "\$1,800.00" on line 16, and insert in place thereof the following, "three employees, five thousand four hundred dollars, \$5,400.00".

Page 47, line 17, strike out line 17, and insert in place thereof, "Seventh grade, four employees, five thousand six hundred dollars, \$5,600.00".

Page 47, line 18, strike out line 18 after the word "grade" and down to and including the figures "\$19,200.00" on line 19, and insert in place thereof, "seventeen employees, twenty thousand four hundred dollars, \$20,400.00".

Page 47, line 21, after line 21 insert the following, "Fourth grade, one employee, seven hundred twenty dollars, \$720.00".

Page 48, line 8, before the word "dollars" on line 8, insert the word "fifty".

Page 48, line 8, change the figures "\$1,700.00" to "1,750.00"

Page 48, line 12, strike out line 12 after the word "grade" and insert the following, "two employees, two thousand dollars, \$2,000.00".

Page 48, line 18, strike out line 18 after the word "rent" and insert in place thereof the following, "three thousand five hundred dollars, \$3,500.00".

Page 49, line 3, after line 3, insert "Eighth grade, one employee, nine hundred dollars, \$900.00".

Page 49, line 26, strike out line 26, the words "one hundred", and change the figures "\$1,100.00" to "\$1,000.00".

Page 50, line 3, strike out line 3, after the word "grade", and insert the following, "two employees, two thousand dollars, \$2,000.00".

Page 52, line 12, strike out lines 12 and 13, and insert the following, "chief clerk, three thousand five hundred dollars, \$3,500.00".

Page 52, line 16, after line 16, insert "Seventh grade, one employee, one thousand eight hundred dollars, \$1,800.00".

Page 54, line 5, strike out the word "consulting", and insert in place thereof the word "chief".

Page 54, line 7, before the word "assistant" on said line insert the word "principal".

Page 54, line 7, strike out the word "consulting."

Page 54, line 12, strike out lines 12 and 13, and insert in place thereof, "Fifth grade, one employee, nine hundred dollars, \$900.00".

Page 56, line 13, strike out line 13 after the word "diseases", and down to and including the figures "\$17,000.00" and insert the following, "fifteen thousand five hundred dollars, \$15,500.00".

Page 56, line 19, strike out line 19, and insert the following, "eighteen thousand dollars, \$18,000.00".

Page 62, line 11, strike out the word "inspector" and insert in place thereof the word "engineer".

Page 63, line 7, strike out line 7 after the word "grade", and down to and including the figures "\$14,400.00" on line 8, and insert in place thereof the following, "eleven employees, nineteen thousand eight hundred dollars, \$19,800.00".

Page 63, line 18, strike out line 18 after the word "grade" and down to and including the figures "\$1,337.50" on line 19, and insert in place thereof, "four employees, one thousand eight hundred seventeen dollars and fifty cents, \$1,817.50".

Page 63, line 9, strike out line 9 after the word "grade, and down to and including the figures "\$28,200.00" on page 10, and insert in place thereof the following, "twenty-one employees, thirty-one thousand two hundred dollars, \$31,200.00".

Page 64, line 12, before the word "fuel" on said line, insert the word "furniture", and strike out the word "eleven" on said line, also the word "one" and insert in place thereof the word "six".

Page 64, line 13, change the figures "\$9,160.00" to "\$11,660.00".

Page 64, line 17, strike out line 17 after the word "for" and down to and including the figures "\$5,000.00", and insert in place thereof, "seven thousand five hundred dollars, \$7,500.00".

Page 69, line 17, strike out line 17 after the word "clerk", and down to and including the figures "\$3,600.00" on line 18, and insert in place thereof the following, "four thousand dollars, \$4,000.00".

Page 69, line 24, strike out line 24 after the word "grade", and insert in place thereof the following, "five employees, nine thousand dollars, \$9,000.00".

Page 69, line 5, after line 5, insert the following, "For salaries of inspectors of steam vessels, six thousand dollars, \$6,000.00".

Page 70, line 4, strike out line 4 after the word "grade" and insert in place thereof the following, "five employees, six thousand dollars, \$6,000.00".

Page 70, line 5, strike out line 5 after the word "employees", down to and including the figures "\$1,800.00" on line 6, and insert in place thereof the following, "two thousand dollars, \$2,000.00".

Page 70, line 7, strike out line 7 after the word "employees" down to and including the figures "\$3,600.00" on line 8, and insert in place thereof, the following, "four thousand five hundred dollars, \$4,500.00".

Page 70, line 11, strike out line 11 after the word "agents" and down to and including the figures "\$30,600.00" and insert in place thereof the following, "fifty thousand dollars, \$50,000.00".

Page 70, line 19, strike out line 19 after the word "clerk" and down to and including the figures "\$3,500.00" on line 20, and insert in place thereof the following, "four thousand dollars, \$4,000.00".

Page 70, line 21, strike out line 21 after the word "clerk"

and down to and including the figures "\$3,500.00" on line 22, and insert in place thereof the following, "three thousand dollars, \$3,000.00".

Page 70, line 23, after the word "examiners" insert "or auditors".

Page 70, line 24, strike out line 24 after the word "of" and down to and including the figures "\$7,200.00" on line 25, and insert in place thereof the following, "nine examiners or auditors under Mortgage Tax Law, eighteen thousand four hundred dollars, \$18,400.00".

Page 71, line 17, strike out the word "one" and insert in place thereof the word "two".

Page 71, line 18, change the figures "\$2,000.00" to "\$4,000.00".

Page 71, line 20, strike out the word "seven" and insert in place thereof the word "twelve".

Page 71, line 21, change the figures "\$7,000.00" to "\$12,000.00".

Page 72, line 2, strike out lines 2, 3, 4 and 5, and insert in place thereof the following, "For the actual and necessary traveling expenses of examiners or auditors under the Mortgage Tax Law, incurred by them in the discharge of their official duties, ten thousand dollars, \$10,000.00".

Page 72, line 13, after line 13 insert, "Second deputy superintendent, two thousand dollars, \$2,000.00".

Page 75, line 2, strike out the word "six" and insert in place thereof, the word "seven".

Page 82, line 18, after line 19, insert, "Eighth grade, one employee, one thousand eight hundred dollars, \$1,800.00."

Page 82, line 20, strike out lines 20 and 21, and insert in place thereof, "Seventh grade, two employees, three thousand dollars, \$3,000.00".

Page 83, line 24, strike out the word "four" and insert in place thereof the word "three".

Page 85, line 25, after the word "duties" insert the word "and".

Page 86, line 11, strike out lines 11, 12, 13, 14, 15, 16 and 17.

Page 86, line 20, strike out the word "twelve" and insert in place thereof the word "fifteen".

Page 86, line 21, change the figures "\$12,000.00" to "\$15,000.00".

Page 89, line 24, strike out line 24.

Page 90, line 2, strike out lines 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11, inclusive.

Page 91, line 13, strike out line 13 after the word "Albany", and down to and including the figures "\$6,255.92" and insert in place thereof the following, "seven thousand five dollars and ninety-two cents, \$7,005.92".

Page 91, line 19, strike out the word "sixty-five" on said line and insert the word "ninety".

Page 91, line 20, change the figures "\$65,000.00" to "\$90,000.00".

Page 91, line 25, before the word "thousand" on line 25, insert the word "three".

Page 91, line 25, strike out the word "two" and insert in place thereof the word "five".

Page 91, line 25, strike out the word "fifty" on line 25.

Page 91, line 25, change the figures "\$40,250.00" to "\$43,500.00".

Page 92, line 6, strike out line 6 after the word "Buffalo", and down to and including the figures "\$10,000.00" on line 7, and insert in place thereof the following, "twelve thousand fifty dollars, \$12,050.00".

Page 92, line 11, strike out line 11, and insert "Malone, sixteen thousand five hundred dollars, \$16,500.00".

Page 92, line 17, strike out lines 17 and 18, and insert the following, "fifty thousand four hundred seventy-four dollars and seventy-seven cents, \$50,474.77".

Page 92, line 23, after line 23, insert

"CENTRAL NEW YORK INSTITUTION FOR THE IMPROVED INSTRUCTION OF DEAF-MUTES.

"For the support and instruction of fifty-five pupils at the Central New York Institution for the Improved Instruction of Deaf-Mutes at Rome, eighteen thousand two hundred fifty dollars, \$18,250.00".

Page 92, line 26, strike out the word "twenty-five" and insert the word "fifty".

Page 94, line 12, strike out lines 12, 13, 14, 15, 16, 17, 18, 19, and 20 and insert in place thereof the following:

"The Comptroller is hereby authorized to transfer to the general fund to meet the appropriations hereby made for the educational purposes so much of the revenue of the trust funds as may be necessary, or which the investments will yield, not to exceed three hundred forty-nine thousand five hundred dollars as follows:

"Common School Fund, one hundred seventy-seven thousand dollars, \$177,000.00.

"Literature Fund, twelve thousand dollars, \$12,000.00.

"United States Deposit Fund, one hundred sixty-five thousand five hundred dollars, \$165,500.00".

Page 96, line 10, strike out the word "ten" and insert in place thereof the word "twenty".

Page 96, line 14, change the figures "\$10,000.00" to "\$20,000.00".

Page 96, line 20, strike out lines 20, 21, 22, 23, 24 and 25, and insert in place thereof the following:

"For actual and necessary traveling expenses of the deputy commissioners and employees in the performance of their official duties and for the actual and necessary incidental expenses of the department, sixty thousand dollars, \$60,000.00".

Page 97, line 2, strike out lines 2, 3, 4, 5, 5, 6 and 7, and insert in place thereof the following:

"NURSERY AND BEE INSPECTION.

"For the Commissioner of Agriculture, for the purpose of enforcing the provisions of article fourteen, chapter nine, laws of nineteen hundred and nine, being the Agricultural Law relating to nurseries, nursery inspection, and the prevention of disease among bees, twenty thousand dollars, \$20,000.00".

Page 97, line 14, strike out lines 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25, and insert in place thereof the following:

"DAIRY PRODUCTS, PURE FOOD, FERTILIZERS, COMMERCIAL FEEDING STUFFS AND SEEDS.

"For the Commissioner of Agriculture for the purpose of enforcing the provisions of article three, chapter nine of the Agri-

cultural Law, relating to dairy products and other matters; articles four and eight of the Agricultural Law, relating to foods and vinegar; articles seven and nine of the Agricultural Law, relating to concentrated commercial feeding stuffs and commercial fertilizers, and article fifteen of the Agricultural Law, relating to the inspection and sale of seeds, thirty-five thousand dollars, \$35,000.00 ”.

Page 98, line 2, strike out lines 2 and 3.

Page 99, line 23, after line 23, insert the following, “ For the purpose of investigating diseases of gladioli and other bulbous plants, two thousand dollars, \$2,000.00 ”.

Page 100, line 25, after the word “ which ” insert the following, “ not to exceed ”.

Page 100, line 26, after the word “ dollars ”, strike out the word “ is ”, and insert in place thereof “ may be used ”.

Page 102, line 11, strike out lines 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26 inclusive, and insert as follows:

“ For the State College of Forestry at Syracuse University, for salaries for administration and instruction, day labor in nursery and experiment station, experimental and extension work through the State, and maintenance of demonstrated areas, instruction in accessory lines, supplies and equipment and traveling expenses, fifty thousand dollars, \$50,000.00 ”.

Page 103, line 18, strike out lines 18 and 19, and insert in place thereof the following, “ three assistants to the Adjutant-General, eight thousand seven hundred dollars, \$8,700.00 ”.

Page 103, line 24, strike out line 24 after the word “ thousand ” and down to and including the figures “ \$6,725.00 ” on line 25, and insert in place thereof, “ two hundred dollars. \$6,200.00 ”.

Page 104, line 2, after the word “ grade ” strike out the remainder of line 2, and down to and including the figures “ \$8,400.” on line 3, and insert in place thereof, “ nine employees, ten thousand eight hundred dollars, \$10,800.00 ”.

Page 104, line 4, strike out line 4, and insert the following, “ Sixth grade, five employees, five thousand dollars, \$5,000.00 ”.

Page 104, line 5, strike out line 5, and insert the following,

"Fifth grade, three employees, two thousand seven hundred dollars, \$2,700.00".

Page 104, line 7, strike out lines 7 and 8.

Page 104, line 9, strike out line 9 after the word "grade" and insert, "three employees, five thousand four hundred dollars, \$5,400.00".

Page 104, line 10, strike out line 10 after the word "grade" and down to and including the figures "\$1,200.00" on line 11, and insert the following, "three employees, four thousand two hundred dollars, \$4,200.00".

Page 104, line 13, strike out line 13 after the word "grade" down to and including the figures "\$2,600.00" on line 14, and insert, "four employees, three thousand four hundred fifty dollars, \$3,450.00".

Page 104, line 15, strike out line 15, after the word "grade" and down to and including the figures "\$5,760.00" on line 16, and insert the following, "nine employees, six thousand four hundred eighty dollars, \$6,480.00".

Page 105, line 17, strike out lines 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26, and insert the following:

"For salaries of the major-general, eight thousand dollars, \$8,000.00.

"Three adjutant-generals, two inspectors-general and two officers, ordnance department detailed for duty on the staff of the division commander, to be expended pursuant to Military Law, section 219, eighteen thousand six hundred dollars, \$18,600.00".

Page 106, line 2, strike out lines 2 and 3.

Page 106, line 8, strike out line 8 after the word "grade" and down to and including the figures "\$2,400.00" on line 9, and insert the following, "three employees, three thousand six hundred dollars, \$3,600.00".

Page 107, line 2, after the word "thirty", insert the word "seven", and change the figures "\$30,000.00" to "\$37,000.00".

Page 107, line 3, after line 3 insert:

"GRADED EMPLOYEES.

"For salaries of

"Eighth grade, one employee, one thousand seven hundred dollars, \$1,700.00.

"Sixth grade, one employee, one thousand dollars, \$1,000.00".

Page 107, line 9, after line 9, insert, "one confidential stenographer, nine hundred dollars, \$900.00".

Page 107, line 11, strike out the word "one" and insert the word "two".

Page 107, line 11, strike out the word "employee" and insert the word "employees".

Page 107, line 19, strike out line 19.

Page 109, line 10, after the word "hundred" insert the words "twenty-five".

Page 109, line 11, change the figures "\$100,000.00" to "\$125,000.00".

Page 110, line 24, strike out line 24 after the word "expenses", and down to and including the figures "\$1,000.00" on line 25, and insert in place thereof, "two thousand five hundred dollars, \$2,500.00".

Page 110, line 26, after line 26, insert, "For actual and necessary traveling expenses of the inspectors, four hundred dollars, \$400.00".

Page 112, line 24, strike out line 24 after the word "grade", and insert the following, "three employees, eight thousand dollars, \$8,000.00".

Page 112, line 25, strike out line 25.

Page 113, line 2, strike out line 2 after the word "grade" and down to and including the figures "\$6,400.00" on line 3, and insert in place thereof the following, "one employee, one thousand five hundred dollars, \$1,500.00".

Page 113, line 4, strike out line 4 after the word "grade" and insert the following, "two employees, two thousand dollars, \$2,000.00".

Page 113, line 5, strike out line 5 after the word "grade" and insert the following, "two employees, one thousand four hundred dollars, \$1,400.00".

Page 113, line 6, strike out lines 6 and 7 and insert in place thereof the following, "Third grade, two employees, one thousand one hundred forty dollars, \$1,140.00".

Page 114, line 14, strike out the word "ten" and insert in place thereof the word "fifteen". Change the figures "10,000.00" on said line to "15,000.00".

Page 115, line 7, strike out the word "twenty-five" and insert the word "forty".

Page 115, line 8, change the figures "\$25,000.00" to "\$40,000.00".

Page 115, line 14, strike out line 14, and insert the following, in place thereof: "Eleventh grade, one employee, two thousand two hundred fifty dollars, \$2,250.00".

Page 116, line 3, strike out lines 3, 4 and 5, and insert in place thereof the following:

"For the necessary and actual expenses of the inspector of supplies, in lieu and in full of all such expenses, fifteen hundred dollars, \$1,500.00".

"For the necessary and actual expenses of the inspector of the buildings and engineering, one thousand dollars, \$1,000.00".

Page 117, line 22, after line 22 insert the following:

"For compensation of the members of the board of examiners of the feeble-minded criminals, and other defectives, pursuant to chapter 445 of the Laws of nineteen hundred and twelve, seven thousand five hundred dollars, \$7,500.00".

Page 118, line 10, strike out the word "four" and insert the word "seven".

Page 118, line 11, change the figures "\$4,500.00" to "\$7,500.00".

Page 118, line 12, strike out line 12, after the word "grade" and down to and including the figures "\$2,400.00" on line 13, and insert in place thereof, "one employee, one thousand dollars, \$1,000.00".

Page 118, line 14, strike out line 14 after the word "grade" and down to and including the figures "\$2,700.00" on line 15, and insert the following, "six employees, five thousand four hundred dollars, \$5,400.00".

Page 118, line 16, strike out line 16 after the word "grade" and down to and including the figures "\$2,880.00" on line 17, and insert in place thereof the following, "one employee, seven hundred twenty dollars, \$720.00".

Page 119, line 14, strike out the word "eight" and insert in place thereof the word "ten".

Page 119, line 14, change the figures "\$8,000.00" to "\$10,000.00".

Page 119, line 22, strike out line 22 after the word "superintendent" and down to and including the figures "\$1,800.00" on line 23, and insert the following, "two thousand dollars, \$2,000.00".

Page 120, line 2, strike out line 2 after the word "grade" and down to and including the figures "\$1,500.00" on line 3, and insert in place thereof the following, "five employees, seven thousand five hundred dollars, \$7,500.00".

Page 120, line 4, strike out lines 4 and 5.

Page 120, line 13, strike out line 13 after the word "city" and down to and including the figures "\$1,800.00" on line 14, and insert the following, "two thousand dollars, \$2,000.00".

Page 120, line 17, strike out line 17, and insert the following, "Seventh grade, eleven employees, fifteen thousand six hundred dollars, \$15,600.00".

Page 120, line 18, strike out line 18 after the word "grade" and down to and including the figures "\$9,600.00" on line 19, and insert the following, "six employees, seven thousand two hundred dollars, \$7,200.00".

Page 120, line 22, strike out line 22 after the word "grade" and down to and including the figures "\$2,160.00" and insert in place thereof the following, "five employees, three thousand six hundred dollars, \$3,600.00".

Page 121, line 4, strike out line 4 after the word "expenses" and down to and including the figures "\$15,500.00" on line 5, and insert the following, "two thousand dollars, \$2,000.00".

Page 121, line 8, strike out line 8 after the word "poor" and insert the following, "forty-five thousand dollars, \$45,000.00".

Page 121, line 18, strike out line 18, after the word "supervisor" and down to and including the figures "\$3,600.00" on line 19, and insert in place thereof the following, "four thousand five hundred dollars, \$4,500.00".

Page 121, line 20, strike out line 20 after the word "supervisor" and down to and including the figures "\$3,000.00" on line 21, and insert the following, "four thousand dollars, \$4,000.00".

Page 121, line 22, strike out line 22 and insert the following, "chief inspector, two thousand five hundred dollars, \$2,500.00".

Page 122, line 4, after line 4 insert, "One female inspector, one thousand five hundred dollars, \$1,500.00".

Page 122, line 5, strike out line 5.

Page 122, line 5, after line 5, insert "one inspector of reports, one thousand five hundred dollars, \$1,500.00".

Page 122, line 8, strike out lines 8 and 9, and insert in place thereof the following:

"Inspector of buildings, one thousand five hundred dollars \$1,500.00.

"Special inspector, one thousand two hundred dollars, \$1,200.

"Inspector of machinery, one thousand two hundred dollars, \$1,200.00".

Page 122, line 17, strike out the word "four" and insert in place thereof the word "three".

Page 122, line 27, strike out line 27 after the word "duties" and insert in place thereof the following, "one thousand dollars, \$1,000.00".

Page 123, line 25, strike out lines 25 and 26.

Page 124, line 2, strike out lines 2, 3, 4, 5 and 6, and insert in place thereof the following:

"For the salary of a clerk who shall be a stenographer and who shall be a member of the clerical force of the Fiscal Supervisor's department, and who shall attend to all the office business and correspondence of the purchasing committee of the State charitable institutions, shall keep the minutes of the meetings of said committee, and who shall at all times be under the direction of the Fiscal Supervisor."

Page 124, line 25, strike out the word "seventy-five" and insert in place thereof the word "seventy-eight".

Page 124, line 26, change the figures "\$175,000.00" to "\$178,000.00".

Page 125, line 4, strike out line 4 after the word "hundred" and insert in place thereof the following, "twelve thousand five hundred".

Page 125, line 6, change the figures "\$110,000.00" to "\$112,500.00".

Page 125, line 9, strike out the words "fifty-five" and insert in place thereof the word "sixty".

Page 125, line 11, change the figures "\$355,000.00" to "\$360,000.00".

Page 125, line 14, strike out the words "thirty-two" and insert the words "thirty-seven".

Page 125, line 16, change the figures "\$132,000.00" to "\$137,000.00".

Page 125, line 22, strike out the word "six" and insert in place thereof the word "fourteen".

Page 125, line 24, change the figures "\$206,000.00" to "\$214,000.00".

Page 126, line 3, after the word "thousand" insert the words "five hundred".

Page 126, line 5, change the figures "\$11,000.00" to "\$44,500.00".

Page 126, line 7, strike out the word "fifteen" and insert in place thereof the word "seventeen".

Page 126, line 9, change the figures "\$115,000.00" to "\$117,000.00".

Page 126, line 12, after the word "twenty" insert the word "four".

Page 126, line 14, change the figures "\$120,000.00" to "\$124,000.00".

Page 126, line 16, strike out the words "forty-five" and insert in place thereof the word "forty-seven".

Page 126, line 18, change the figures "45,000.00" to "47,000.00".

Page 127, line 5, strike out the words "forty-six" and insert in place thereof the words "forty-nine".

Page 127, line 7, change the figures "46,000.00" to "47,000.00".

Page 127, line 9, strike out the word "nine," and insert in place thereof the words "twenty-two".

Page 127, line 11, change the figures from "209,000" to "222,000.00".

Page 127, line 13, strike out the word "two" and insert in place thereof the word "three".

Page 127, line 13, strike out the words "ninety-one" and insert in place thereof the word "two".

Page 127, line 15, change the figures "291,500.00" to "302,500.00".

Page 127, line 18, strike out the word "fifteen" and insert in place thereof the word "nineteen".

Page 127, line 20, change the figures "115,050.00" to "119,050.00".

Page 127, line 22, strike out line 22 after the word "maintenance" and insert the following, "seventy-one thousand two hundred".

Page 127, line 23, strike out the word "fifty" and insert in place thereof the word "forty".

Page 127, line 25, change the figures "66,950.00" to "71,240.00".

Page 128, line 3, after the word "thousand" insert the words "five hundred".

Page 128, line 6, change the figures "32,000.00" to "32,500.00".

Page 130, line 7, strike out the words "Secretary's salary" and insert in place thereof the words "Official salaries".

Page 130, line 9, after line 9, insert the following, "For salary of the auditor of accounts presented for rebuilding the capitol, destroyed or damaged by the recent fire, and accounts of the new education building and boiler house, two thousand five hundred dollars, \$2,500.00".

Page 130, line 19, strike out line 19 after the word "commissioners" and down to and including the figures "10,500.00" on line 20, and insert in place thereof the following, "five thousand dollars each, fifteen thousand dollars, \$15,000.00".

Page 131, line 12, strike out line 12 after the word "grade" and down to and including the figures "1,800.00" on line 13, and insert in place thereof the following, "two employees, three thousand six hundred dollars, \$3,600.00".

Page 131, line 14, strike out line 14 after the word "grade" and down to and including the figures "4,100.00" on line 15, and insert in place thereof the following, "five employees, seven thousand one hundred dollars, \$7,100.00".

Page 132, line 4, strike out the words "counsel to".

Page 132, line 5, strike out the words "the commission".

Page 132, line 9, strike out line 9 after the word "for" and insert in place thereof the following "six thousand seven hundred dollars, \$6,700.00".

Page 132, line 9, after line 9 insert the following:

"For traveling expenses of the commissioner in charge of the division of fish and game, eighteen hundred dollars, payable monthly in full for all such expenses, \$1,800.00.

"For traveling expenses of the counsel to the commission, fifteen hundred dollars, payable monthly in full for all such expenses, \$1,500.00".

Page 132, line 21, strike out line 21 after the word "grade" down to and including the figures "\$67,500.00" on line 22, and insert in place thereof the following, "one hundred five employees at nine hundred dollars each, ninety-two thousand four hundred dollars, \$92,400.00".

Page 132, line 26, strike out line 26 after the word "protectors," and insert the following, "sixty thousand dollars, \$60,000".

Page 132, line 26, after line 26 insert the following:

"ADDITIONAL EMPLOYEES.

"For salaries and expenses of such necessary employees as the commissioner in charge of the division of fish and game may deem necessary to be employed in the division of fish and game for the protection of the same, sixty-seven thousand dollars, \$67,000.00".

Page 133, line 5, strike out line 5 after the word "supervisor," and insert the following, "five thousand dollars, \$5,000.00."

Page 133, line 6, strike out line 6 after the word "supervisor," and insert the following, "five thousand dollars, \$5,000.00."

Page 133, line 10, after line 10 insert the following, "Chief fisheries protector, one thousand six hundred dollars, \$1,600.00".

Page 134, line 3, strike out line 3, and insert "forty thousand dollars, \$40,000.00".

Page 135, line 10, after line 10, insert "Director of forest investigation, one thousand eight hundred dollars, \$1,800.00".

Page 137, line 21, after line 21, insert the following, "Seventh grade, one employee, one thousand five hundred dollars, \$1,500.00".

Page 137, line 22, strike out line 22 after the word "grade" and down to and including the figures "\$3,600.00" and insert the following, "six employees, seven thousand dollars, \$7,000.00".

Page 137, line 24, strike out line 24 after the word "grade" and down to and including the figures "\$1,800.00" and insert the following, "one employee, nine hundred dollars, \$900.00."

Page 138, line 2, strike out lines 2 and 3.

Page 138, line 8, strike out line 8 after the word "marshal" and insert in place thereof the following, "twenty-five thousand dollars, \$25,000.00".

Page 138, line 12, strike out line 12 after the word "fees" and insert in place thereof the following, "fifteen thousand dollars, \$15,000.00".

Page 138, line 20, strike out lines 20, 21, 22, 23, 24 and 25, and insert in place thereof the following:

| | |
|---|------------|
| "Chief inspector, three thousand dollars, | \$3,000 00 |
| Tenth grade, two employees, forty-eight hundred dollars, | 4,800 00 |
| Ninth grade, two employees, forty-two hundred dollars, | 4,200 00 |
| Seventh grade, two employees, three thousand dollars, | 3,000 00 |
| Sixth grade, nineteen employees, twenty-two thousand eight hundred dollars, | 22,800 00 |
| Fifth grade, one employee, nine hundred dollars. | 900 00 |

STEAM BOILER BUREAU.

| | |
|--|-----------|
| Eighth grade, one employee, eighteen hundred dollars, | 1,800 00 |
| Sixth grade, fifteen employees, eighteen thousand dollars, | 18,000 00 |
| Fourth grade, one employee, seven hundred twenty dollars. | 720 00 |

INVESTIGATION BUREAU.

| | |
|--|----------|
| Seventh grade, four employees, six thousand dollars, | 6,000 00 |
|--|----------|

| | |
|--|------------|
| Sixth grade, one employee, twelve hundred dollars, | \$1,200 00 |
| Fifth grade, one employee, nine hundred dollars. | 900 00 |

EXPLOSIVE BUREAU.

| | |
|--|----------|
| Sixth grade, five employees, six thousand dollars, | 6,000 00 |
| Fifth grade, one employee, nine hundred dollars. | 900 00 |

Page 139, line 2, strike out lines 2, 3, 4, 5, 6, 7 and 8.

Page 139, line 14, after line 14, insert the following, "For salary of the land clerk in the office of the Secretary of State acting as secretary to the Commissioners of the Land Office, one thousand dollars, "\$1,000.00".

Page 141, line 2, strike out the words "State Reservation at Niagara" and insert in place thereof the words "Niagara Reservation".

Page 145, line 11, after line 11, insert the following, "For coal for heating, two hundred eighty dollars, \$280.00".

Page 148, line 1, strike out the word "construction" and insert the word "constructive".

Page 149, line 1, strike out the word "construction" and insert in place thereof the word "constructive".

Page 150, line 1, strike out the word "construction" and insert the word "constructive".

Page 151, line 1, strike out the word "construction" and insert in place thereof the word "constructive".

Page 152, line 1, strike out the word "construction" and insert in place thereof the word "constructive".

Page 153, line 2, strike out line 2 after the word "superintendent" and insert the following, "six thousand dollars, \$6,000.00".

Page 153, line 5, strike out line 5 after the word "superintendent" and insert the following, "five thousand dollars, \$5,000.00".

Page 153, line 3, strike out line 3 after the word "superintendent" and down to and including the figures "4,500.00" on line 4, and insert the following, "five thousand five hundred dollars, \$5,500.00".

Page 154, line 4, strike out line 4 after the word "expenses" and insert the following, "sixteen thousand dollars, \$16,000.00".

Page 154, line 9, strike out line 9 and insert the following, "partment, six thousand dollars, \$6,000.00".

Page 156, line 24, strike out lines 24, 25 and 26.

Page 157, line 2, strike out lines 2, 3 and 4.

Page 157, line 13, strike out lines 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 inclusive.

Page 158, line 6, strike out lines 6, 7, 8, 9 and 10.

Page 159, line 15, after line 15, insert "For services and expenses of department appraisers in the State, for services and expenses of appraisers and examiners designated in other States, for services and expenses of counsel and for expenses of examiners in connection with examination of insurance companies and for extra temporary services when required, thirty thousand one hundred seventy-three dollars and eighteen cents (\$30,173.18), being the unexpended balance of appropriation granted by chapter eight hundred and ten, Laws of nineteen hundred and eleven, which is hereby reappropriated for same purposes."

Page 160, line 5, strike out line 5 after the word "works" and down to and including the figures "6,000.00" and insert the following, "eight thousand dollars, \$8,000.00".

Page 160, line 8, strike out line 8 after the word "deputy" and insert the following, "three thousand five hundred dollars, \$3,500.00".

Page 160, line 9, strike out line 9 after the word "superintendents" and down to and including the figures "9,000.00" on line 10, and insert the following, "ten thousand five hundred dollars, \$10,500.00".

Page 160, line 15, after line 15, insert the following, "Ninth grade, one employee, two thousand one hundred dollars, \$2,100.00".

Page 160, line 16, strike out line 16, after the word "grade" and insert the following, "two employees, three thousand four hundred dollars, \$3,400.00".

Page 160, line 17, strike out line 17 after the word "grade" and down to and including the figures "6,900.00" on line 18, and insert, "six employees, eight thousand three hundred dollars, \$8,300.00".

Page 160, line 19, strike out the word "five" and insert the word "six".

Page 160, line 20, change the figures "5,500.00" to "5,600.00".

Page 161, line 3, strike out line 3 after the word "duties" and down to and including the figures "1,500.00" on line 4, and insert "two thousand dollars, \$2,000.00".

Page 161, line 8, strike out line 8 after the word "inspectors" and insert "twelve thousand dollars".

Page 161, line 16, strike out the word "twenty" on line 16, and strike out line 17 and insert the following, "thirty thousand eight hundred dollars, \$30,800.00".

Page 161, line 18, strike out lines 18, 19 and 20, and insert the following:

"For collectors and compilers of statistics relating to the trade and tonnage of the canal during the season of navigation, six thousand nine hundred and fifty-five dollars, comprising two collectors at one hundred and twenty-five dollars each per month, five collectors at one hundred dollars each per month, and four collectors at eighty dollars each per month, six thousand nine hundred fifty-five dollars, \$6,955.00"

"For collectors' clerks and inspectors and measurers of boats, five thousand two hundred and ninety-eight dollars, comprising two clerks at eighty dollars each per month, three clerks at seventy-five dollars each per month and two clerks at seventy dollars each per month, five thousand two hundred ninety-eight dollars, \$5,298.00".

Page 167, line 25, strike out the word "one" on line 25 and insert the word "three".

Page 167, line 26, change the figures "6,100.00" to "6,300.00".

Page 168, line 4, strike out line 4 after the word "grade" and down to and including the figures "11,600.00" on line 5, and insert "thirteen employees, nineteen thousand five hundred dollars, \$19,500.00".

Page 168, line 6, strike out line 6 after the word "grade" and down to and including the figures "31,200.00" on line 7, and insert "sixty employees, seventy-two thousand dollars, \$72,000.00".

Page 168, line 8, strike out line 8 after the word "grade" and down to and including the figures "36,490.00" on line 9 and insert "one employee, nine hundred dollars, \$900.00".

Page 168, line 9, after line 9 insert "Fourth grade, twelve employees, eight thousand six hundred forty dollars, \$8,640.00".

Page 170, line 12, strike out the word "or" and insert in place thereof the word "and".

(No. 24.)

AN ACT to amend the county law, in relation to the designation of newspapers for the publication of the session laws, election notices and official canvass.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections twenty and twenty-two of chapter sixteen of the laws of nineteen hundred and nine, entitled "An act in relation to counties, constituting chapter eleven of the consolidated laws," are hereby amended to read, respectively, as follows:

§ 20. Designation of newspapers for publication of session laws. The members of the board of supervisors in each county representing, respectively, each of the two principal political parties into which the people of the [county] state are divided or a majority of such members representing respectively, each of such parties, shall designate in writing a paper fairly representing the political party to which they respectively belong, regard being had to the advocacy by each such paper of the principles of its party and its support of the state and national nominees thereof, and to its regular and general circulation in the towns of the county, to publish the session laws and concurrent resolutions of the legislature required by law to be published, which designation shall be signed by the members making it and filed with the clerk of the board of supervisors. If a majority of the members of the board representing either of such parties cannot agree upon a paper or shall fail to make a designation of a paper or papers as above provided, then and in such case, the paper or papers last previously designated in behalf of the party or parties whose representatives, or a majority of them, have failed to agree shall be held to be duly designated to publish the laws for that year,

and any designation of a paper or papers made contrary to the provisions of this section shall be void. If there shall be but one paper published in the county, then, in that case, the laws shall be published in that paper. If either of the two principal parties into which the people of the [county] state are divided shall have no representative among the members of the board of supervisors, then, and in that event, the newspaper last legally designated in behalf of such party, not having a representative among the members of the board of supervisors, shall be held to be duly designated to publish the laws for that year. The clerk of the board of supervisors as soon as such designation is made shall forward to the secretary of state a notice stating the name and address of such newspapers as have been selected for the publication within the county of the laws and concurrent resolutions of the legislature, or if there be but one newspaper in such county he shall before the first day of January in each year, forward to the secretary of state a notice stating the name and address of such newspaper, and that it is the only newspaper published in the county.

§ 22. Election notices and official canvass. Such boards, except in the counties of Erie and Kings, shall, in like manner, designate two newspapers, representing respectively each of the two principal political parties into which the electors of the [county] state are divided, in which shall be published the election notices issued by the secretary of state, and the official canvass, and fix the compensation therefor, which shall be a county charge.

§ 2. If any board of supervisors shall have heretofore designated a newspaper for the publication of the session laws or the election notices and official canvass in any county which designation is not in accordance with the provisions of this act, such designation shall be void and of no effect and the secretary of state shall forthwith designate a newspaper in such county for the publication of the session laws or the election notices and official canvass as the case may be, which newspaper shall represent the political party which would be entitled to such designation under the provisions of this act.

§ 3. This act shall take effect immediately.

APPENDIX II.
EXTRAORDINARY SESSION.



EXTRAORDINARY SESSION.

STATE OF NEW YORK:

ASSEMBLY CHAMBER IN THE CITY OF ALBANY.

MONDAY, JUNE 16, 1913.

Pursuant to proclamation of the Governor, the Assembly convened in the Assembly Chamber in the city of Albany, and was called to order by the Speaker, by whose direction the following proclamation was read.

PROCLAMATION.

STATE OF NEW YORK — EXECUTIVE CHAMBER.

Pursuant to the power vested in me by section 4 of article IV of the Constitution, I hereby convene the Legislature in extraordinary session at the Capitol in the city of Albany on Monday, the sixteenth day of June, 1913, at half-past eight o'clock, post meridian.

Given under my hand and the Privy Seal of the State at
[L. S.] the Capitol in the city of Albany this eighth day of
May, in the year of our Lord, one thousand nine hundred and thirteen.

WM. SULZER.

By the Governor:

CHESTER C. PLATT,
Secretary to the Governor.

Prayer by the Rev. Charles W. Leitzell.

Mr. Levy offered for the consideration of the House a resolution, in the words following:

Resolved, That the elective officers of the Assembly elected for the regular session of the Legislature attend and perform services as such officers respectively during the extraordinary session of the Legislature; be it further

Resolved, That the Speaker and Clerk of the Assembly be and they hereby are respectively empowered to appoint such additional

officers and employees to attend and perform services during the extraordinary session of the Assembly for such periods of service respectively as they may determine.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 123

NOES 00

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|-----------|----------------|-------------|
| Baumes | Edwards | Hopkins | McCue | Shepardson |
| Baxter | Eisner | Hover | McElligott | Silverstein |
| Benninger | Emden | Hughes | McGrath | Small |
| Birnkrant | Esquirol | Ingram | McKee | Smith J A |
| Bovie | Evans | Jackson | McKeon | Smith M |
| Bradley | Fallon | Jones | McMahon | Squire |
| Brewster | Farrell | Kane | Monahan | Sufirin |
| Bryant | Finnigan | Kelly J A | Norton | Sutphin |
| Burden | Fitzgerald | Kelly J J | O'Brien | Sweet |
| Burr | Fuller | Kelly J D | O'Connor | Taylor T D |
| Bush | Gage | Kenney | Oxford | Telford |
| Butts | Gathright | Kiernan | Patrie | Tudor |
| Carroll | Geoghan | Knight | Pembleton | Ulrich |
| Carver | Geyer | Knott | Prime | Van Woert |
| Caughlan | Gibbs | Kornobis | Pullman | Vert |
| Cole | Gillen | Larrimer | Richardson | Walker |
| Cronin | Gillett | Levy | Robinson | Ward |
| Daley | Goldberg | Lewis | Rozan | Webb |
| Deitz | Grace | Macdonald | Schaap | Weil |
| Dennen | Greenberg A | Machold | Schifferdecker | Willard |
| Denney | Grimme | Madden | Schnirel | Willmott |
| Donohue | Hamilton | Magee | Schwars | Wood |
| Dorst | Hammer | Malone | Seely J L | Yard |
| Doty | Heyman | Maloney | Seelye G T | Yeomans |
| Dox | Hinman | McCollum | | |

Mr. Levy offered for the consideration of the House a resolution, in the words following:

Resolved, That a committee of two be appointed by the Speaker to wait upon the Governor, and notify him that the Assembly is organized in extraordinary session, and ready to proceed to business.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Speaker appointed as such committee Messrs. Levy and Hinman.

Mr. Bush offered for the consideration of the House a resolution, in the words following:

Resolved, That a committee of two be appointed by the Speaker to wait upon the Senate and inform that body that the Assembly is organized in extraordinary session and ready to proceed to business.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Speaker appointed as such committee Messrs. Bush and M. Smith.

Messrs. Healy and Sage, a committee from the Senate, appeared and announced that the Senate was convened in extraordinary session and ready to proceed to business.

Mr. Bush, from the committee appointed to wait upon the Senate, reported that they had performed that duty.

Mr. Levy, from the committee appointed to wait upon the Governor, reported that they had performed that duty.

A message from the Governor, by the hand of his secretary, was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,

ALBANY, June 16, 1913.

To the Legislature:

The Republican Party, in convention, last year, as a part of its platform, adopted the following:

"We favor the short ballot, surrounding primary elections with the same safeguards as regular elections, the direct election of party committees, the direct nomination of party candidates in congressional, senatorial, Assembly, county and municipal subdivisions, and the direct election of delegates to State conventions, with the right of party electors to directly express their preference for nominations for State offices if they so desire."

The Progressive Party, in convention, last year, as a part of its platform, adopted the following:

"We pledge the enactment of a real direct primary law applicable to every elective office and a Presidential preference primary law."

The Democratic Party, in convention, last year, as a part of its platform, adopted the following:

"The Democratic Party was the first to recognize the demand for a State-wide direct primary and so declared in

the Rochester platform of 1910, and the Democratic Legislature of 1911, despite Republican opposition, enacted the first Statewide direct primary law in the history of the State. We again declare in favor of the principle of the direct primary and we pledge our Legislature to adopt such amendments to the existing laws as will simplify and perfect the direct primary system."

It must be apparent, to the average man, from a careful reading of these platforms, that the leading political parties, in our State, are irrevocably committed, by the most explicit promises, to the enactment of legislation for direct nominations. As a matter of fact, it seems to me, all the members of the present Legislature are instructed by these pledges, of their respective parties, and are, therefore, in duty bound by the highest political obligations, to vote for a Statewide direct primary measure.

In my message to the Legislature at the beginning of the year I said: "We are pledged to the principle of direct primaries, State-wide in their scope and character, and I urge the adoption of such amendments as will simplify the procedure, and make complete and more effective the direct primary system of the State."

As nothing was done, of material moment, in connection with this recommendation, and to carry out in good faith the pledges above mentioned, I again, in the early part of April, in a special message, urged the Legislature, in the interest of the general welfare, to hearken to the insistent demands of the people throughout the State for a direct State-wide primary law. Much to my disappointment, however, the Legislature adjourned without, in this respect, meeting the just expectations of the voters.

So a sense of public obligation made it my duty, in the interest of the common weal, to reconvene the Legislature in extraordinary session, to the end that the recommendations I have made to the Legislature for direct primaries can be considered, without further delay, and a bill passed for direct nominations which will fulfill party pledges. In response to the over-whelming sentiment of the State, I am convinced, we should do this as a matter of duty to our constituents.

The record will show that for years I have been a consistent advocate of direct nominations. I am now, always have been, and always will be in favor of carrying out, in letter and in spirit, the platform pledges of a political party. The best way to strengthen a political party is to keep good faith with the voters.

Hence, in view of all the circumstances, in connection with the struggle in our State for a law to give the voters the right to nominate, it is my candid opinion that the Legislature in this

extraordinary session, without unnecessary delay, should give heed to its promises, and immediately consider, and with due deliberation, aid me to write upon our statute books a practicable and a comprehensive State-wide direct primary law that will faithfully carry out our pledges to the people.

Direct nominations will go far to restore to the people the complete control of their State government; and afford the voters of the State the freest expression of their choice of candidates for public office.

The voters believe themselves just as competent to directly nominate all officials as the delegates they select. They want this right to nominate because they have so often found the delegate system was not a faithful agency of their wishes, and that it not infrequently failed to meet the demands and the expectations of the people.

All the arguments now used against the abolition of the convention, or the delegate system of nominations, have been used in opposition to the direct election of United States Senators, but these arguments have been all in vain against the ever rising tide of popular sovereignty and progressive democracy.

Let us be true to ourselves. Let us not try to deceive the people. The plain fact is, that in our primary reform legislation we, in New York State, have left off our work just where the citizens expected us to begin.

By not making our primary law apply directly to the nomination of State officers we have continued the delegate system in the particular field in which it has proven most unsatisfactory to the people.

That the voters of our State are determined to have no intermediary between themselves and their public servants has been shown by the adoption of the seventeenth amendment to the Federal Constitution, under which the people have taken from the Legislatures of the States the right to elect Senators in Congress.

There are only two kinds of primaries — direct and indirect. The latter kind constitutes the present reactionary delegate system; the former kind constitutes the progressive system which the people of our State now demand. I am for the direct system.

I want the people to nominate their officials because I want the people to rule their government. The people know that the power to nominate is the power to control. That is the reason the voters, regardless of party affiliations, favor direct nominations.

To have direct primaries and to have conventions of delegates is impossible. Direct primaries have been devised by the friends of good government to permit the voters in each political party

to nominate their candidates for public office directly without the intermediary of delegates, and as, of course, you cannot have conventions without delegates, it follows, as the night the day, that the convention system must go, and honest direct primaries must come. There is no middle ground. There can be no compromise. Those who want to compromise are against the enrolled voters of their party. You cannot compromise a principle.

It is self-evident to me that if the voters are competent to directly elect all their public officials they are just as competent to directly nominate these same officials. Any assertion to the contrary is an indictment against the intelligence of the electorate of the State.

If it is important for minor officials to be nominated by the people, it is still more important, it seems to me, that the people be given the power to nominate candidates for United States Senator and for Governor. If selfish interests seek to control public affairs for the promotion of their personal ends, through the manipulation of party conventions, the plain people should seek to do the same thing by taking in their own hands the right to nominate directly every one of these important officials.

The adoption of State-wide direct primaries, and the abolition of delegate conventions, is in no sense an abandonment of the principle of *representative government*, but on the contrary it is a protest against the *perversion of representative government*.

Under direct primaries the people will govern themselves, through officials the same as now, but through officials *directly nominated and elected by themselves*. Representative government is only made actual when the power to name candidates is taken away from the few, and placed in the hands of all the enrolled voters of each political party.

The changes which the friends of direct nominations advocate in our primary law are in harmony with the spirit of the times, and will go far, in the opinion of sagacious men, to perpetuate our free institutions.

These salutary changes in our primary system aim to restore to the voters of each political party the rights which have been usurped by the few, for the benefit of powers invisible, which aim to control governmental officials, to pass laws, to prevent the passage of other laws, and to violate laws with impunity. To these invisible powers I am now, always have been, and always will be opposed.

No government can be free which does not allow all of its citizens to participate in the formation as well as the execution of its laws. Every other government is a mere form of despotism. The political history of the centuries clearly illustrates the truth that,

under the forms of democratic government, popular control may be destroyed, and corrupt influences, through invisible political power, establish a veritable despotism.

If it is wise to trust the people with the power to nominate some public officials, I am sure it is just as wise to trust them with the power to nominate all public officials. I believe it is as wise to trust them to nominate a Governor, as to trust them to nominate a constable; and as wise to trust them to nominate a Supreme Court Judge, as to trust them to nominate a Justice of the Peace. The men who trust the average integrity, the men who believe in the average intelligence, of the voter, know not where, consistently, to draw the line as to the officials all should nominate, and the officials the few should nominate. As a believer in popular sovereignty I am opposed to establishing a political dead line regarding this fundamental right of the people to nominate all of their public servants.

The people have been trusted with this power to nominate in many other States, and they have used it to bring about greatly improved conditions. Let the Empire State put itself in line with the foremost States in the Union, by favoring nominations by the people, for thus only can we secure a government of the people and by the people.

As convincing proof of the success, and the popularity, of State-wide direct primaries, in other States, permit me to respectfully submit to the Legislature the following testimony of a few of the most distinguished citizens and public officials in our country.

United States Senator George E. Chamberlain, of Oregon, says:

“The direct primary of Oregon has so far proved satisfactory to our people.”

United States Senator Morris Shepherd, of Texas, says:

“Our system of direct primaries in Texas meets with universal approbation.”

William Hodges Mann, Governor of Virginia, says:

“Our primary law is applicable to all State offices. Indeed, we have been holding a primary for United States Senators for some time, and the Legislature has always elected the man selected by the people. I can say that the primary has worked well in this State.”

Frank L. Houx, Secretary of State of Wyoming, says:

“I consider our State-wide direct primary law one of the best laws ever placed upon our Statute books. It eliminates ‘Boss Rule’ that has heretofore prevailed in the nominating conventions and gives the people at large a voice in who the candidates shall be.”

Governor Cox, of Ohio, says:

"Our primary law applies to all State officers. I would feel that the fundamental principle of popular participation in government would be violated if all the State officers from the Governor down were not selected by popular choice."

United States Senator Gilbert M. Hitchcock, of Nebraska, says:

"Our direct primary system, as far as it relates to the candidates for Senator or Governor, is an unqualified success."

United States Senator Henry F. Hollis, of New Hampshire, says:

"The New Hampshire system of direct primaries certainly meets the expectations of the people. The politicians criticise the plan, but it works well."

United States Senator James E. Martine, of New Jersey, says:

"I feel justified in stating that our New Jersey direct primary system meets with the general approval of the public."

David S. Crater, the Secretary of State of New Jersey, says:

"The direct primary law of this State applies to State, county and municipal offices; also to members of Congress. So far as I am able to determine, it seems to be satisfactory in every respect."

Lee Cruce, the Governor of Oklahoma, says:

"Direct primaries are in operation in this State for the nomination of all State, county and municipal officers. It has given better satisfaction than the old convention system and there is no disposition to return to the old way. Oklahoma has been a pioneer in the matter of direct primaries, and has no reason to take backward steps along these lines."

Governor Oswald West, of Oregon, says:

"The direct primary system in this State obtains from constable to the United States Senator, including municipal officers. As a result of the law Oregon has abolished the boss and has relegated a political machine to almost forgotten history. It is most satisfactory, and while the law which was enacted by the people was given an overwhelming majority, I am confident that should the question be again submitted to them, they would endorse the law by even a greater majority than the first. I do not believe that the people of this State would revert to the old system of corrupt political machine methods under any consideration."

Elliott W. Major, Governor of Missouri, says:

"Our law requires all candidates for elective offices to be nominated at a State primary. The law has operated well and has given satisfaction, and is the only way to give the people a fair chance to select the men whom they wish to represent them as party nominees. The people elect their public officers at the general election and the people are competent and qualified to elect their nominees, who in turn become their public officers. Of course the would-be political bosses and certain corporate interests which meddle in politics are opposed to State primaries. It interferes with their manipulations and combinations. They wish to act as the guardians of the people and select their nominees for them. Let the people, by direct vote, select their own candidates. That is pure democracy, and in keeping with the ideals of a republican form of government. I am a strong advocate of the State primary law because it more nearly approaches the real rule of the people. I would rather trust the people than trust the men who, because of their selfish interests, think the people are not capable and should not be permitted to say who they wish for candidates. If you permit such fellows and interests to select your entries for you in the political race, you need not expect much in the end.

"I cannot understand upon what principle anyone can oppose the people in exercising their right to select nominees at a State primary election. Let the people do the selecting, and not a coterie who wish to act for the people. Our State has tried the law and has met the test, and has given entire satisfaction, and no man in this State in public life would dare for a moment to advocate its repeal."

Frank J. Donahue, Secretary of State of Massachusetts, says:

"Our law provides that all officers to be voted for at a State election shall be nominated by direct plurality vote in party primaries. This, as you will see, includes the direct nomination of United States Senators. It further provides for the direct election of members of the State committees of the political parties — not less than one from each Senatorial District. The State-wide direct primary law was adopted in 1911, and under it we have had two direct primaries. That its operation is satisfactory is admitted even by those who had vigorously opposed for years the passage of such a law by the Legislature. The fight for State-wide direct primaries in this State extended over several years, but finally so strong did the demand become that in 1911 the House passed the

direct primary bill with only fifteen dissenting votes out of the two hundred and forty members, and it was passed in the Senate without a division."

Governor Brewer, of Mississippi, says:

"Our law applies to all State officials. Taken on the whole I regard the primary law as satisfactory. There is no question in the world that by this method the wishes of the people are carried out, which cannot be said of the ordinary 'convention' method."

United States Senator James K. Vardaman, of Mississippi, says:

"In Mississippi the direct primary law has served to put the government in the hands of the people rather than the bosses. It amuses the voter to study all economic and governmental questions and to realize that this is a government which derives all of its just powers from the consent of the governed. It has done more. It has made the voter feel his responsibility for the laws and to appreciate the real function of citizenship. Every State in this republic should provide for the election of every officer from Governor down by a direct vote of the people. The nomination by primary is only an application of this universally beneficent system."

W. C. Elliston, clerk to the Secretary of State of Kentucky, says:

"The Primary Election Law of Kentucky applies to all offices and the various officials, both State and county, are elected under its provisions. The law has been a success from every standpoint, and we think it quite a step along progressive principles to elect our various officers under it."

Governor O. B. Colquitt, of Texas, says:

"I was among the first to advocate a general primary election law many years ago. Formerly a few politicians would get together in precinct or mass meetings, elect delegates, and adopt resolutions committing the party to policies and candidates often not approved by the majority of the people. Our State-wide direct primary is infinitely better than the old system which it supplanted."

Governor Francis C. McGovern, of Wisconsin, says:

"In regard to the operation of direct primaries in our State, it has cleaned up the Legislature and given us different kind of men than formerly, more independent."

Governor Luther E. Hall, of Louisiana, says:

"There is no prospect that the State of Louisiana will ever return to the Convention plan of making nominations."

Old-time politicians are now and then heard to decry the direct primary and to sigh for the convention, but this sentiment is not wide-spread and may be said to be negligible."

Governor James F. Fielder, of New Jersey, says:

"In 1912 by further enactment amending our Primary Law, presidential electors were included with the result that there is no longer any convention held in the State of New Jersey for nominating purposes. Last year there was a preferential vote for President, and now all presidential electors as well as all State, county and municipal officers are nominated by the direct primary. The manner in which our laws have been amended from time to time until they finally include all elective officers in the State is the best evidence of their popularity."

Governor George W. P. Hunt, of Arizona, says:

"In Arizona the Direct Primary Law is applicable to all elective State officials. I will say without hesitancy that the system of direct primaries applicable to all officers is immeasurably better than the old method of nominating by conventions."

Charles H. Sessions, Secretary of State of Kansas, says:

"The Kansas law applies to all elective officers from United States Senator down to township trustee. The law works so well in regard to its application to nominations for all officers that no attempt, or even a serious suggestion, has been made to repeal it. What opposition there was to the enactment of the law has almost disappeared. Now and then a politician protests against it, but on the whole it is very popular with the people and has come to stay."

Governor Park Trammell, of Florida, says:

"The primary system has been in force for about twelve years, and has given almost universal satisfaction. Some four years ago in our Democratic primary a question was put before the voters as to whether or not a State convention was desired, it being the claim of the supporters of the convention that it was merely for the purpose of making a party platform. Many were of the opinion, however, that it was for the purpose of attacking the primary system. The vote was about five to one against the State convention. This expression indicated very conclusively how the people of Florida felt at that time relative to nominating by primary. The primary system has come to stay in this State."

United States Senator Henry S. Ashurst, of Arizona, says:

"It is impossible to exaggerate the civic benefits which flow from a pure, sweeping, State-wide primary election law. The primary nomination which abolishes the convention, eliminates the 'purchase proxy.' It destroys the secret caucus methods, and it guarantees to the plain citizen the same degree of potentiality as each and every other citizen possesses. Now and then, in the past, a legislature, or a political convention, has been found on the bargain counter and purchased as so many oxen in the field, but it is impossible to purchase all the people.

"In Arizona we have a State-wide primary law for the nomination of all candidates, including United States Senators, and while it might seem ungracious in me to praise the bridge which carried me over, I cannot refrain from observing that in Arizona, I, a poor man, with absolutely no income whatever except my small law practice, was enabled by means of the direct primary, where the people had the right to express their choice, to defeat the combined influences of the railroads, national banks, the smelter trust and every corrupt politician in the State, all of which interests confederated and combined in the hope of bringing about my defeat and electing a reactionary.

"I mention this circumstance to show that a direct primary does not operate in favor of the rich man and against the poor man, for we frequently find the argument advanced by the opponents of the direct primary, that 'under the direct primary no one but a rich man may enter the political field.' The very reverse is true. A poor man may enter the primary, and if he have ability, facts, courage and energy, he may canvass any of our largest and most populous States by the expenditure of a few hundred dollars, whereas, if he were required to go before a convention to obtain a nomination, a number of sinister private interests would be able to cohere, by means of purchased proxies and by means of secret caucus methods, control the situation."

This unimpeachable testimony — and I could adduce much more — seems quite conclusive, and if any one tells us that a direct nominations law is not a good thing for New York, we can point to what other States have done through the agency of this beneficent reform as a refutation of the reactionary assertion.

No man fears direct primaries, except a man whose character, and whose ability, and whose mentality cannot bear the searchlight of publicity. No man fears direct primaries, unless he wants

to be the creature of invisible government rather than the servant of popular government.

Let me, therefore, renew my former recommendations, reiterate all that I have previously said, and again sincerely and earnestly urge the Legislature to pass a direct primary bill that shall provide:

1. That all party candidates for public office shall be nominated directly by the enrolled party voters at an official primary — the official primary to be conducted by the State, and surrounded with all the safeguards of an official election — any violation of the official primary law to be a felony.

2. A State committee of 150 members, one from each Assembly district, and a county committee for each county, to be elected directly by the enrolled party voters at the official primary.

3. All party candidates for public office to be voted for in the official primary must be designated by petition only, the same as independent candidates.

4. Every designating petition should contain the appointment of a committee for filling vacancies on the primary ballot.

5. Candidates to be arranged on the ballot under the title of the office. Order of arrangement to be determined in each group by lot, by the commissioners of election, in the presence of the candidates or their representatives. All emblems on the official primary ballot must be abolished. Names of candidates to be numbered. The voter to indicate his choice by making a separate mark before the name of each candidate.

6. The number of enrolled party voters required to sign a designating petition should be fixed at a percentage of the party vote for Governor at the last preceding election, except that for State offices the number should not exceed 5,000 enrolled party voters, of which 100 shall be from each of at least twenty counties.

7. The primary district should be made identical with the election district, and the primaries of all parties should be held at the same polling place, conducted by the regular official election officers, just the same as an official election.

8. Each party to have a Party Council to frame a platform; such Council to consist of the party candidates for office to be voted for by the State at large; party Congressmen and party United States Senators; candidates for the Senate and Assembly; members of the State committee; and the chairman of each county committee.

9. The time for filing independent nominations subsequent to the filing of party nominations should be increased from five days, as now provided, to fourteen or more days. The number of

signers of an independent certificate of nomination should conform to the number of signers of a party designation.

10. Election of United States Senator by the people should be provided for in accordance with the recent constitutional amendment. Nominations for United States Senator to be made at the official primary in the same manner as for the office of Governor.

11. Registration days in the country should be reduced from four to two, and registration in the country should be by affidavit where voter does not appear personally.

12. Boards of elections in counties having less than one hundred and twenty thousand inhabitants should be reduced from four members to two, in order to decrease the expenses.

13. The use of party funds at primary elections to be absolutely prohibited, and made a felony.

14. The penal law should be amended limiting to a reasonable sum the amount of money that may be expended by a candidate, or anyone on his account, for the purpose of seeking a nomination to public office, any violation of the same to be a felony, and make the nomination, if secured, a nullity.

15. Delegates and alternates from the State at large, and from congressional districts, to the National Convention should be chosen by the direct vote of enrolled party voters at the official primary.

Such a law, in my judgment, will substantially redeem our party pledges and meet the just demands of the enrolled party voters of the State. Any proposition less than this begs the whole question and violates the pledged faith of the several political parties to their voters in the State.

In this connection I deem it my duty to say to the Legislature that I have no pride of opinion regarding details and non-essentials in the construction and the enactment of this legislation. The assertion that I have said that my bill must pass without the crossing of a "t", or the dotting of an "i" is absurd, and without the slightest foundation of fact. I have had too much experience as a legislator to utter such narrow-minded sentiments. As a matter of fact, the truth is, I have no vanity of authorship, and want none. My struggle is for the essential principle of State-wide direct nominations. On that fundamental principle the friends of State-wide direct primaries declare that there can be no honorable compromise.

No one can be deceived as to my contention and as to my attitude. All I am seeking to accomplish is to write on our statute books, an honest, and a simple, and a practicable direct nominations law — State-wide in its scope and application — in order to carry out in good faith party promises. That is all. Can I be more fair and more reasonable?

Let us be honest about direct primaries, and keep our pledges to the people. At all events, as the Governor, I shall, and if the Legislature does not, the people will know the reason why.

WM. SULZER.

which was referred to the committee on the judiciary.

By unanimous consent, Mr. Van Woert introduced a bill entitled "An act to amend the Election Law, in relation to reducing expenses in the operation of such law" (Int. No. 1), which was read the first time and referred to the committee on the judiciary.

Also, by unanimous consent, "An act to amend the Election Law, generally, in relation to reducing expenses of nominations and elections and further regulating the conduct of primaries and elections" (Int. No. 2), which was read the first time and referred to the committee on the judiciary.

By unanimous consent, Mr. Eisner introduced a bill entitled "An act to amend the Penal Law, in relation to limitation of amounts to be expended by candidates for nomination or election" (Int. No. 3), which was read the first time and referred to the committee on the judiciary.

Also, by unanimous consent, "An act to amend the Election Law, generally" (Int. No. 4), which was read the first time and referred to the committee on the judiciary.

Pursuant to the resolution authorizing the same, the Speaker announced the appointment of the following officers and employees, their terms of office to commence June 16, 1913, to attend and perform services during the extraordinary session of the Legislature:

| | |
|------------------------------|---------------------|
| Speaker's clerk | Patrick J. Hogan. |
| Speaker's stenographer | John Morris, Jr. |
| Assistant doorkeeper | Frederick Hensler. |
| Assistant doorkeeper | Edward W. Redeke. |
| Assistant doorkeeper | Francis Waters. |
| Postmaster | Frederick Schmid. |
| Assistant postmaster | William W. Burgett. |
| Janitor | William Moseley. |
| Assistant janitor | Burgess Holland. |
| Assistant janitor | Silas Brown. |

| | |
|--------------------------------|----------------------|
| Assistant janitor | John B. Syphax. |
| General clerk | George Nugent. |
| General clerk | John W. Kelly. |
| General clerk | Thomas Scott. |
| General clerk | Henry Kieff. |
| General clerk | Henry Mabie. |
| General clerk | Jerome Hadcock. |
| General clerk | Albert H. Kellogg. |
| General clerk | T. A. Hendricks. |
| General clerk | T. J. Walsh. |
| Messenger to minority leader.. | James H. Millard. |
| Clerk to com. ways and means. | Harry Moseson. |
| Mess. to com. ways and means. | William R. Hartigan. |
| Sten. to com. ways and means. | Gertrude Reidy. |
| Committee clerk | Lynn Gale. |
| Committee clerk | John W. Ellis. |
| Committee clerk | Thomas F. McGrath. |
| Committee clerk | Thomas Duffy. |
| Committee clerk | Frank X. White. |
| Sten. to minority leader..... | Edward N. Van Cott. |

Pursuant to the resolution authorizing the same, the Clerk announced the appointment of the following officers and employees, their terms of office to commence June 16, 1913, to attend and perform services during the extraordinary session of the Legislature:

| | |
|----------------------------------|-----------------------|
| Clerk's messenger | John Knox. |
| Assistant clerk | Joseph P. Zenger. |
| Journal clerk | William K. Mansfield. |
| First assist. journal clerk..... | John E. Stoddard. |
| Chief revision committee..... | Edward S. Moore. |
| Chief engrossed bills..... | Joseph Grady. |
| Assist. clerk eng. bills..... | Edward F. Bailey. |
| Deputy clerk | M. D. Fadham. |
| Index clerk | John A. Pachler. |
| First assist. index clerk..... | William Collins. |
| Second assist. index clerk..... | John Sallman. |
| Financial clerk | Edward B. Fowler. |
| Assistant financial clerk..... | Frank A. Dugro. |

| | |
|----------------------------------|---------------------|
| Messenger to financial clerk.... | A. N. Gaffeny. |
| Chief messenger of pages..... | Vivany Moore. |
| Supt. of documents..... | C. D. Ferguson. |
| Assist. supt. of documents.... | Thomas Fallon. |
| Assist. supt. of documents.... | Alexander E. Boyd. |
| Supt. wrapping department... | John Goodrich. |
| Messenger to committee..... | Robert Fitzmaurice. |
| Messenger to committee..... | William F. Foley. |
| Messenger to committee..... | Michael T. McGrath. |
| Messenger to committee..... | Harry N. Finger. |
| Messenger to committee..... | Frank D. Kelly. |
| Messenger to committee..... | George C. Gilliar. |
| Clerk's stenographer | Don Holbrook. |
| Page | Daniel Flemming. |
| Page | Wesley Ostrander. |
| Page | William T. Baxter. |
| Page | Reuben Lazarus. |
| Page | Paul Lewin. |
| Page | Harry Ives. |
| Page | George Chapman. |
| Page | George Sherwood. |
| Page | Joseph Wise. |
| Page | Frank McGouldrick. |
| Page | William F. Flynn. |
| Page | John P. Ogden. |
| Page | Joseph Gallagher. |
| Page | Hyman Jacobs. |
| Page | Joseph Rafter. |
| Page | Thomas J. Maloney. |
| Page | John Merrigan. |
| Page | John Hughes. |

On motion of Mr. Maloney, the privileges of the floor were extended to Martin Phillips, Clerk of the Assembly of the State of New Jersey.

On motion of Mr. Levy, the House adjourned until Tuesday, June 17th, at 11 o'clock A. M.

TUESDAY, JUNE 17, 1913.

The House met pursuant to adjournment.

Prayer by Rev. Walter T. Bazaar.

On motion of Mr. Levy, the reading of the journal of yesterday was dispensed with and the same was approved.

A message from the Governor, by the hand of his secretary, was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,

ALBANY, June 17, 1913.

To the Legislature:

Again I earnestly renew my recommendations for the immediate repeal of certain amendments made to sections one hundred nineteen and two hundred and twenty-one of the Tax Law, effected by the enactment of chapters three hundred and fifty-six and three hundred and fifty-seven of the Laws of nineteen hundred and thirteen.

At my suggestion, after careful consideration, there was prepared and introduced for the approval of the Legislature, on April 28, 1913, two separate bills repealing the said chapters, and to assist their immediate enactment, I sent at that time, emergency messages to both the Senate and the Assembly.

These repealing measures duly passed the Senate, and were received in the Assembly, but failed of passage by that body, as I am advised, wholly through oversight or neglect.

On May 6, 1913, I issued a proclamation about this matter, and served notice on all concerned, that repealing measures would be introduced at this extraordinary session; and advised all prospective investors and purchasers of these State bonds, that the possible advantages purported to be accorded by chapters three hundred and fifty-six and three hundred and fifty-seven of the Laws of nineteen hundred and thirteen, were but temporary to say the least, and would be annulled at the earliest possible day.

At this extraordinary session, repealing measures for such purpose will be immediately introduced, and to speed their enactment into law, I shall accompany their introduction with emergency messages. There should be no delay in passing these bills.

In the interest of the general welfare and just financial administration, I earnestly request that the Legislature forthwith give these important measures favorable consideration.

(Signed) WM. SULZER.

By unanimous consent, Mr. Levy introduced a bill entitled "An act to amend the Tax Law, in relation to franchise tax and credit on account of purchase of State bonds" (Int. No. 5), which was read the first time.

On motion of Mr. Levy, and by unanimous consent, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY.

To the Legislature:

It appearing to my satisfaction that the public interest requires it: Therefore, in accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly bill (Int. No. 5, Printed No. 5) entitled "An act to amend the Tax Law, in relation to franchise tax and credit to be given on account of purchase of State bonds."

Given under my hand and the Privy Seal of the State at the Capitol in the city of Albany this seventeenth day

[L. s.] of June in the year of our Lord one thousand nine hundred and thirteen.

(Signed) WM. SULZER.

By the Governor:

CHESTER C. PLATT,

Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 122

NOES 00

Those who voted in the affirmative were:

| | | | | |
|-----------|----------|---------|----------|-------------|
| Baumes | Edwards | Hopkins | Maloney | Shepardson |
| Baxter | Emden | Horton | McCollum | Silverstein |
| Benninger | Esquirol | Hughes | McCue | Small |
| Birnkrant | Evans | Ingram | McGrath | Smith J A |

| | | | | |
|----------|-------------|-----------|----------------|------------|
| Bovie | Fallon | Jackson | McKee | Smith M |
| Bradley | Farrell | Jones | McKeon | Squire |
| Brewster | Finnigan | Kane | McMahon | Sufrin |
| Bryant | Fitzgerald | Kelly J A | Monahan | Sutphin |
| Burden | Fuller | Kelly J J | O'Brien | Sweet |
| Burr | Gage | Kelly J D | O'Connor | Taylor T D |
| Bush | Garvey | Kenney | Oxford | Telford |
| Butts | Gathright | Kerrigan | Patrie | Tudor |
| Carroll | Geoghan | Kiernan | Pemberton | Ulrich |
| Carver | Geyer | Knight | Prime | Van Woert |
| Caughlan | Gibbs | Knott | Pullman | Vert |
| Co'e | Gillen | Kornobis | Richardson | Walker |
| Cronin | Gillett | Larrimer | Robinson | Ward |
| Daley | Goldberg | Levy | Rozan | Webb |
| Deitz | Grace | Lewis | Schaap | Weil |
| Dennen | Greenberg A | Macdonald | Schifferdecker | Willard |
| Denney | Grimme | Machold | Schnirel | Willmott |
| Donohue | Hamilton | Madden | Schwarz | Wood |
| Dorst | Hammer | Magee | Seely J L | Yard |
| Doty | Heyman | Malone | Seelye G T | Yeomans |
| Dox | Hinman | | | |

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

By unanimous consent, Mr. Levy introduced a bill entitled "An act to amend the Tax Law, in relation to exceptions and limitations on taxable transfers" (Int. No. 6), which was read the first time.

On motion of Mr. Levy, and by unanimous consent, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY.

To the Legislature:

It appearing to my satisfaction that the public interest requires it: Therefore, in accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly bill (Int. No. 6, Printed No. 6) entitled "An act to amend the Tax Law, in relation to exceptions and limitations on taxable transfers."

Given under my hand and the Privy Seal of the State at the Capitol in the city of Albany this seventeenth day
[L. s.] of June in the year of our Lord one thousand nine hundred and thirteen.

(Signed) WM. SULZER.

By the Governor:

CHESTER C. PLATT,
Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 122

NOES 00

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|-----------|----------------|-------------|
| Baumes | Edwards | Hopkins | Maloney | Shepardson |
| Baxter | Emden | Horton | McCollum | Silverstein |
| Benninger | Esquirol | Hughes | McCue | Small |
| Birnkrant | Evans | Ingram | McGrath | Smith J A |
| Bovie | Fallon | Jackson | McKee | Smith M |
| Bradley | Farrell | Jones | McKeon | Squire |
| Brewster | Finnigan | Kane | McMahon | Sufrin |
| Bryant | Fitzgerald | Kelly J A | Monahan | Sutphin |
| Burden | Fuller | Kelly J J | O'Brien | Sweet |
| Burr | Gage | Kelly J D | O'Connor | Taylor T D |
| Bush | Garvey | Kenney | Oxford | Telford |
| Butts | Gathright | Kerrigan | Patrie | Tudor |
| Carroll | Geoghan | Kiernan | Pembleton | Ulrich |
| Carver | Geyer | Knight | Prime | Van Woert |
| Caughlan | Gibbs | Knott | Pullman | Vert |
| Cole | Gillen | Kornobis | Richardson | Walker |
| Cronin | Gillett | Larrimer | Robinson | Ward |
| Daley | Goldberg | Levy | Rozan | Webb |
| Deits | Grace | Lewis | Schaap | Weil |
| Dennen | Greenberg A | Macdonald | Schifferdecker | Willard |
| Denney | Grimme | Machold | Schnirel | Willmott |
| Donohue | Hamilton | Madden | Schwarz | Wood |
| Dorst | Hammer | Magee | Seely J L | Yard |
| Doty | Heyman | Malone | Seelye G T | Yeomans |
| Dox | Hinman | | | |

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

By unanimous consent, Mr. Hinman introduced a bill entitled "An act to amend the Election Law, generally" (Int. No. 7), which was read the first time and referred to the committee on the judiciary.

Mr. Eisner of New York was excused for the day.

On motion of Mr. Levy, the House adjourned until Wednesday, June 18th, at 11 o'clock A. M.

WEDNESDAY, JUNE 18, 1913.

The House met pursuant to adjournment.

Prayer by Rev. D. Herbert O'Dowd, Rockville Center.

On motion of Mr. Goldberg, the reading of the journal of yesterday was dispensed with and the same was approved.

A message from the Governor, by the hand of his secretary, was read in words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,

ALBANY, *June 18, 1913.*

To the Legislature:

I recommend for the favorable consideration of the Legislature the passage of a bill to submit to the voters of the State, at the regular election in November, 1913, the question, "Shall there be a convention to revise the Constitution and amend the same."

For good and sufficient reasons I was constrained to disapprove a measure, passed by the Legislature, at the regular session, concerning this matter.

In my veto memorandum, dated May 14, 1913, I said:

"The next constitutional convention in the State of New York will be charged with the duty of materially changing our organic law. I am in favor of a constitutional convention at the earliest practicable time to lay the foundation for future constructive progress.

"The Democratic party stands pledged to call this constitutional convention before the time provided in article XIV, section 2, of the present Constitution. This pledge will be strictly fulfilled if the convention is held in April, 1915.

"The bill before me provides for a special election on June 3, of this year, for the purpose of submitting the question to the voters. "Shall there be a convention to revise the Constitution and amend the same?" and if favorable, the delegates to the convention are to be elected at the general election next November.

"There exists several reasons which in my opinion make it my duty to disapprove this bill.

"In the first place insufficient time is allowed to prepare for such special election. It is doubtful if there is time for the Secretary of State to notify the proper election officers of the special election, and for the latter to give adequate notice to the voters to enable them to comply with the provisions of the bill.

"A single day is provided for amending the registers of election which were made up nearly eight months since.

"Constitutional amendments are required to be published for three months prior to their submission to the people under the election law, section 295. This bill allows of less than one week's publication of notice to the voters, who have moved, of the necessity of having their names properly placed on the registers and only one half week's notice to all voters of the referendum itself.

"In view of the fact that it is extremely doubtful whether the adequate election machinery can be prepared, and the statutory notices duly published prior to June 3d, I deem it would be improper to entail what I believe to be an unnecessary expense of upwards of one million dollars on the taxpayers to call this special election to decide the question.

"The State constitutional issues should be clearly stated, and fully discussed, by the people before the selection of their delegates to this constitutional convention; and for the purpose of such discussion and consideration of these vital matters, I feel convinced that the majority of the taxpayers agree with me that the time between now and the election cannot be considered sufficient.

"In my judgment, it is highly important that before the selection of their delegates to a new constitutional convention, the citizens clearly understand and comprehend the fundamental changes they desire their representatives to make in the organic law of the State."

The pledged faith of the Democratic party to call this constitutional convention before the time provided in article 14, section 2, of the State Constitution, will, in my opinion, be strictly fulfilled by the submission of this question at the November election of this year; and, if favorable, this will permit the election of delegates pursuant to the constitutional provision in November, 1914, and the assembling of the delegates in April, 1915.

The holding of a constitutional convention, in April, 1915, will be three years in advance of the time fixed in the Constitution.

The plan of submitting the question whether a convention shall be called at the Fall election of this year, and the election of delegates thereto in the November election of next year, will avoid the necessity of the large and unnecessary expense of a special election for such purpose.

The fulfillment of a party pledge, with the least possible expense to the taxpayers of the State, is an object which I am sure every member of the Legislature, as well as myself, favors most heartily.

The bill concerning this important matter, which I believe at this time should receive your favorable consideration, should be a measure presenting to the voters, solely the question prescribed

by the Constitution, "Shall there be a convention to revise the Constitution and amend the same?"

(Signed) WM. SULZER.

which was laid upon the table and ordered printed.

By unanimous consent, Mr. Levy introduced a bill entitled "An act to provide for submitting to the electors of the State, at the general election in the year nineteen hundred and thirteen the question "Shall there be a convention to revise the Constitution and amend the same?" (Int. No. 8), which was read the first time and referred to the committee on the judiciary.

On motion of Mr. Levy, the House adjourned until Thursday, June 19th, at 11 o'clock A. M.

THURSDAY, JUNE 19, 1913.

The House met pursuant to adjournment.

Prayer by Rev. J. V. Moldenhauer.

On motion of Mr. Bush, the reading of the journal of yesterday was dispensed with and the same was approved.

By unanimous consent, Mr. Hinman introduced a bill entitled "An act providing for the submission to the vote of the people of the question of a convention to revise and amend the Constitution" (Int. No. 9), which was read the first time and referred to the committee on the judiciary.

On motion of Mr. Bush, the House adjourned until Friday, June 20th, at 10 o'clock A. M.

FRIDAY, JUNE 20, 1913.

The House met pursuant to adjournment.

Mr. McMahon in the chair.

Prayer by Rev. J. G. Carlisle, Troy.

On motion of Mr. Hinman, the reading of the journal of yesterday was dispensed with and the same was approved.

On motion of Mr. Hinman, the House adjourned until Monday, June 23rd, at 8:30 o'clock P. M.

MONDAY, JUNE 23, 1913.

The House met pursuant to adjournment.

Prayer by Rev. M. Schlesinger.

On motion of Mr. Levy, the reading of the journal of yesterday was dispensed with and the same was approved.

A message from the Governor, by the hand of his secretary, was received and read in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,

ALBANY, June 23, 1913.

To the Legislature:

A matter of importance, affecting the adequate housing of the increasing insane of the State, arises concerning the acquisition by the State of the title to the Long Island State Hospital. For a long period of years, the State's title has been in dispute and in litigation with the authorities of the city of New York. At the present time, after much litigation and as the result of extended conferences between the representatives of the State Hospital Commission, the Attorney-General of the State, and the mayor of the city of New York, and other interested city officials, the Attorney-General advises me that an agreement has been reached, satisfactory to both the State and the city of New York, which, if carried out, will advance the efficient administration of the State Hospital Commission.

I am further advised that it is necessary that this favorable arrangement be accepted and consummated at once.

Not only has the matter been in dispute for a long period of years, but the Legislature with a view of making a definite determination of the matter, enacted chapter seven hundred and sixty-two of the Laws of nineteen hundred and thirteen, which in effect authorized the city of New York to convey to the State of New York, the premises in question at Flatbush, in the city of Brooklyn, known as the Long Island State Hospital, in fee simple, free and clear of all incumbrances.

When this measure was before the mayor of the city of New York for approval, a question arose concerning what disposition should be made of the premises, in the event of their abandonment by the State for State hospital purposes.

The mayor of the city of New York at first refused his approval, but he finally approved the measure upon the understanding that a supplemental bill would be passed, which would include

a provision to the effect that any deed from the city of New York to the State of New York, should contain a clause providing that the premises conveyed should revert to the city of New York, whenever the State should cease to use the same for the purposes of a State hospital for the insane, provided in such case that the city of New York make compensation to the State for all improvements made to the said premises, by way of new buildings or additions to existing buildings.

The legal authorities of both the city and the State have agreed, as I am advised, that a deed containing such provision is not authorized under chapter seven hundred and sixty-two of the Laws of nineteen hundred and thirteen.

In order to permit a legal valid conveyance embodying the agreements between the parties, I respectfully urge that the Legislature pass at this extraordinary session a measure amending chapter seven hundred and sixty-two of the Laws of nineteen hundred and thirteen, to the end that the result desired may be accomplished.

(Signed) WM. SULZER.

A message from the Governor, by the hand of his secretary, was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,

ALBANY, June 23, 1913.

To the Legislature:

I respectfully recommend to the Legislature for its immediate favorable consideration and action, the passage of an act which, in effect, will amend chapter 413 of the Laws of 1913. Said law, in its present form, now provides that the State Highway Department shall not make any contract in excess of one thousand dollars for the maintenance or repair of roads without advertising for bids.

In view of the conditions at present existing in the State Highway Department, which require the immediate repair of many existing State Highways in various parts of the State, it is imperative, to the end that this important work be accomplished at the earliest practicable moment, that these highway repairs be provided for in contracts prepared and executed without the necessity of the compliance with this provision of law.

The enforcement of this law at this time, in regard to this matter will give rise to complaints and increase the expense and unnecessarily delay the immediate performance of these important repairs by the State Highway Department.

After a conference with the Commissioner of Highways I deem it advisable that an act be passed at this extraordinary session, permitting the Commissioner of Highways to make contracts for maintenance and repairs, on condition that bids be asked from at least three reputable contractors for each such contract and no such bid be accepted or contract entered into until approved by the Comptroller of the State of New York; and, further, that no such contract be awarded except to the lowest bidder, with authority to the Commissioner of Highways to reject any and all bids in his discretion.

The letter to be in connection with this matter from the Commissioner of Highways is as follows:

"By chapter 413 of the Laws of 1913, it is provided that the State Highway Department can not make any contracts for repair of roads in excess of one thousand dollars, without advertising for bids.

"A great number of our roads are in a deplorable condition and require immediate attention and extensive repairs, and it will be impossible to prepare plans and specifications and advertise for bids and do the work upon these roads necessary to put them in good condition, until late in the season.

"There is a great demand that these repairs should be made at once and it is imperative, if the roads are to receive consideration required, that a statute be passed at this extraordinary session of the Legislature, permitting this department to enter at once into contracts for repairs without public letting.

"I prepared an act, which I herewith submit, which safeguards the interests of the State and provides that I can only enter into such contracts upon receiving at least three bids from three reputable contractors; that no contract can be executed until approved by the State Comptroller; that all contracts must be awarded to the lowest bidder or be absolutely rejected.

"The State has appropriated a large amount of money for the repair of these roads and on account of the lateness of the season and the great amount of work to be done, I sincerely trust that the propose legislation may be enacted into statute."

In the interest of the general welfare, I shall cause to be submitted a measure which will permit the end desired to be accomplished, and urge that it receive your prompt and favorable action.

(Signed) WM. SULZER.

By unanimous consent, Mr. Goldberg introduced a bill entitled "An act to amend chapter seven hundred and eighteen of the Laws of nineteen hundred and four, entitled 'An act author-

izing the selection of lands for the New York State Training School for Boys, and establishing the said school,' in relation to acquiring the interest of the State of New York in certain lands on Randall's Island in exchange for certain lands in the city of New York" (Int. No. 10) which was read the first time.

On motion of Mr. Goldberg, and by unanimous consent, said bill was read the second time and ordered to third reading and referred to the committee on the judiciary.

By unanimous consent, Mr. Evans introduced a bill entitled "An act to authorize the State Commissioner of Highways to enter into contracts for maintenance and repairs of the State and county highways" (Int. No. 11), which was read the first time and referred to the committee on internal affairs.

At nine o'clock P. M., on motion of Mr. Levy, the House took a recess of one hour.

TEN O'CLOCK P. M.

The House again convened.

Mr. Goldberg, from the committee on the judiciary, to which was referred Assembly bill introduced by Mr. Eisner (No. 4, Int. No. 4), entitled "An act to amend the Election Law, generally," reported the same for the consideration of the House.

On motion of Mr. Levy, and by unanimous consent, said bill was made a special order on second and third reading for Tuesday next immediately after the reading of the journal.

Mr. Goldberg, from the committee on the judiciary, to which was referred Assembly bill introduced by Mr. Van Woert (No. 2, Int. No. 2), entitled "An act to amend the Election Law, generally, in relation to reducing expenses of nominations and elections and further regulating the conduct of primaries and elections," reported in favor of the passage of the same, without amendment, which report was agreed to.

On motion of Mr. Levy, and by unanimous consent, said bill was made a special order on second and third reading for Tuesday next immediately after the reading of the journal.

Mr. Goldberg, from the committee on the judiciary, to which was referred Assembly bill introduced by Mr. Van Woert (No.

1, Int. No. 1), entitled "An act to amend the Election Law, in relation to reducing expenses in the operation of such law," reported in favor of the passage of the same without amendment, which report was agreed to.

On motion of Mr. Levy, and by unanimous consent, said bill was made a special order in second and third reading for Tuesday next immediately after the reading of the journal.

On motion of Mr. Levy, the House adjourned until Tuesday, June 24th, at eleven o'clock A. M.

TUESDAY, JUNE 24, 1913.

The House met pursuant to adjournment.

Prayer by Rev. Ernest M. Grahn.

On motion of Mr. Levy, the reading of the journal of yesterday was dispensed with and the same was approved.

A message from the Governor, by the hand of his secretary, was received and read in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,

ALBANY, June 24, 1913.

To the Legislature:

Section three hundred and ten of the Conservation Law now requires a sanitary inspection and examination of all shell fish grounds within the State from which shell fish are taken, planted, or cultivated.

The enforcement of this law in its present form will require the examination of many thousands of acres of land devoted exclusively to the raising of seed oysters, and for such examination a fee of twenty-five cents per acre is prescribed.

The purpose of this section of the Conservation law is to protect the public against the consumption of oysters grown in waters polluted by sewage, and I am advised by the Conservation Department that this purpose can be fully conserved if those lands which are devoted exclusively to the raising of seed oysters are exempted from this examination.

As the law now stands the Conservation Department is prohibited from making any such exemption and the exactment of

the required examination fee would work an unnecessary hardship.

Under the circumstances, I respectfully recommend to this Legislature that a measure be passed which shall exempt from the sanitary inspection and examination prescribed by section three hundred and ten of the Conservation Law, all acreage within the State devoted exclusively to the raising of seed oysters.

(Signed) WM. SULZER.

A message from the Governor, by the hand of his secretary, was received and read in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY, June 24, 1913.

To the Legislature:

I have given a very serious and most careful consideration to the finances of the State. After reflection, I reluctantly reached the conclusion that it is not only expedient, but necessary that I recommend to this extraordinary session, the passage of a bill providing for a direct tax of one mill to provide for contributions to the several sinking funds, for the payment of interest and principal upon the State debt.

I shall, therefore, submit for your favorable consideration, a bill for enactment, concerning which the State Comptroller writes me as follows:

"The several provisions of this bill follow the rates fixed by the statutes authorizing the issue of State bonds. A rate of 1463/10,000 of a mill is included in the bill for the purpose of a contribution to the general funds.

The appropriation for 1913 authorized by the

| | |
|---|-----------------|
| Legislature amounts to..... | \$47,856,595 68 |
| The requirements for the sinking funds amount to..... | 9,500,389 79 |

| | |
|----------------|------------------------|
| Total of | <u>\$57,356,985 47</u> |
|----------------|------------------------|

The estimated receipts for the year, as set forth in the Comptroller's report of 1913 are \$63,820,412.20, which includes the direct tax. If these estimates were verified there would be a surplus at the end of the year of \$6,363,426.73.

If the rate in the enclosed bill for general fund purposes were reduced one-tenth of a mill it would reduce this surplus by \$1,-

128,000. The experience of this office has been that a surplus of at least \$5,000,000 is necessary for properly and efficiently conducting the business of the State.

(Signed) WM. SULZER.

A message from the Governor, by the hand of his secretary, was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,

ALBANY, June 24, 1913,

To the Legislature:

At a conference recently held in the city of Albany, attended by representatives from the second-class cities in the State, it was agreed that the immediate enforcement of the provisions of chapter 774 of the Laws of 1913, entitled "An act in relation to the housing of the people in cities of the second class" would impair realty values, and cause great and unexpected financial loss to the owners of real estate; to contractors; and to labor in the cities affected.

In view of these facts, it would be wise, proper and just to all the parties interested, it seems to me, to amend this law in relation to the time when the same should take effect, through an amendment making certain provisions of said law inoperative until October 1, 1913.

I agree substantially with the conclusion reached at the said conference that it would be inadvisable to amend the measure so that the health provisions should not become operative immediately.

These features relating to the sanitary conditions of communities are calculated to benefit the health of the people in cities where the law operated, and in my opinion, should be allowed to go into effect at once.

At the conference it was proposed and suggested that there be inserted a provision which would allow builders to proceed with work on buildings planned or started in order to prevent the suspension of building operations, which would result from the immediate enforcement of the law as it now stands.

To accomplish the proper result, I respectfully recommend to this Legislature that section 159 of the law be amended to read as follows:

"This act shall take effect the first day of October, nineteen hundred and thirteen, except article four thereof, which shall take effect immediately as to any requirements thereof, the enforce-

ment of which the health officer of the city shall direct; provided always that all plans filed before the first day of October, nineteen hundred and thirteen, shall be executed by a substantial completion of the building contemplated thereby on or before January first, nineteen hundred and fifteen, and no plan not thus executed shall be executed after January first, nineteen hundred and fifteen."

(Signed) WM. SULZER.

By unanimous consent, Mr. Fallon introduced a bill entitled "An act to amend the Conservation Law, in relation to shell-fish grounds" (Int. No. 12), which was read the first time.

On motion of Mr. Fallon, and by unanimous consent, said bill was read the second time and ordered to third reading and referred to the committee on conservation.

By unanimous consent, Mr. Hinman introduced a bill entitled "An act to amend chapter seven hundred and seventy-four of the Laws of nineteen hundred and thirteen, entitled 'An act in relation to the housing of the people in cities of the second class,' in relation to the time when the same should take effect" (Int. No. 13), which was read the first time.

On motion of Mr. Hinman, and by unanimous consent, said bill was read the second time and ordered to third reading and referred to the committee on affairs of cities.

By unanimous consent, Mr. Levy introduced a bill entitled "An act to provide ways and means for the support of government" (Int. No. 14), which was read the first time and referred to the committee on ways and means.

Mr. Levy moved a call of the members of the House.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

By direction of the Speaker, the Clerk called the roll, when the following members responded:

| | | | | |
|-----------|------------|-----------|------------|------------|
| Adler | Edwards | Hover | McDaniels | Small |
| Allen | Eisner | Hughes | McElligott | Smith J A |
| Baumes | Emden | Ingram | McGrath | Smith M |
| Baxter | Esquirol | Jackson | McKee | Smith T K |
| Benninger | Evans | Jones | McKeon | Squire |
| Birnkrant | Fallon | Jude | McMahon | Stufin |
| Bovie | Farrell | Kane | Monahan | Sullivan |
| Bradley | Finnigan | Kelly J A | Norton | Sutphin |
| Brereton | Fitzgerald | Kelly J J | O'Brien | Sweet |
| Brewster | Fuller | Kelly J D | O'Connor | Tallett |
| Bryant | Gage | Kelly P J | Oxford | Taylor F J |

| | | | | |
|-----------|-------------|-----------|----------------|------------|
| Burden | Gallup | Kenney | Pappert | Taylor T D |
| Burr | Garvey | Kerrigan | Patrie | Telford |
| Bush | Gathright | Kiernan | Pembleton | Tudor |
| Butts | Geoghan | Knight | Phillips | Ulrich |
| Campbell | Geyer | Knott | Prime | Van Woert |
| Carroll | Gibbs | Kornobis | Pullman | Vert |
| Carver | Gillen | Lane | Richardson | Volk |
| Caughlan | Goldberg | Larrimer | Robinson | Walker |
| Cole | Grace | Levy | Rozan | Ward |
| Cronin | Greenberg A | Lewis | Schaap | Webb |
| Cuvillier | Grimme | Macdonald | Schifferdecker | Weil |
| Daley | Gurnett | Machold | Schnirel | Willard |
| Deitz | Hamilton | Madden | Schwarz | Willmott |
| Dennen | Hearn | Magee | Seaker | Wood |
| Denney | Heyman | Malone | Seely J L | Yale |
| Donohue | Hinman | Maloney | Seelye G T | Yard |
| Dorst | Hopkins | McCollum | Shepardson | Yeomans |
| Doty | Horton | McCue | Silverstein | Speaker |
| Dox | | | | |

Mr. Levy moved that the House proceed with business during the pendency of the call.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker announced the special order, being the bill (No. 4, Int. No. 4) entitled "An act to amend the Election Law, generally."

Said bill having been announced, debate was had thereon.

Mr. Levy moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

On motion of Mr. Eisner, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof, and three-fifths being present.

AYES 54

NOES 92

Those who voted in the affirmative were:

| | | | | |
|-----------|--------|----------|-----------|------------|
| Allen | Doty | Grimme | McDaniels | Sufrin |
| Baumes | Dox | Gurnett | Norton | Sullivan |
| Benninger | Eisner | Hamilton | Patrie | Sutphin |
| Birnkrant | Emden | Horton | Prime | Tallett |
| Bovie | Evans | Hover | Pullman | Telford |
| Brewster | Fuller | Hughes | Schaap | Taylor F J |

| | | | | |
|---------|-----------|------------|------------|----------|
| Burden | Gage | Jude | Schwarz | Vert |
| Bush | Gallup | Kelley P J | Seaker | Volk |
| Carroll | Gathright | Kenney | Seely J L | Willmott |
| Cole | Geyer | Knight | Seelye G T | Wood |
| Daley | Gibbs | McCollum | Squire | |

Those who voted in the negative were:

| | | | | |
|-----------|-------------|-----------|----------------|-------------|
| Adler | Fallon | Kelly J A | McElligott | Silverstein |
| Baxter | Farrell | Kelly J J | McGrath | Small |
| Bradley | Finnigan | Kelly J D | McKee | Smith J A |
| Brereton | Fitzgerald | Kerrigan | McKeon | Smith M |
| Bryant | Garvey | Kiernan | McMahon | Smith T K |
| Burr | Geoghan | Knott | Monahan | Sweet |
| Butts | Gillen | Kornobis | O'Brien | Taylor F J |
| Campbell | Goldberg | Lane | O'Connor | Tudor |
| Carver | Grace | Larrimer | Oxford | Ulrich |
| Caughlan | Greenberg A | Levy | Pappert | Van Woert |
| Cronin | Hammer | Lewis | Pemberton | Walker |
| Cuvillier | Hearn | Macdonald | Phillips | Ward |
| Deits | Heyman | Machold | Richardson | Webb |
| Dennen | Hinman | Madden | Robinson | Weil |
| Denney | Hopkins | Magee | Rozan | Yale |
| Donohue | Ingram | Malone | Schifferdecker | Yard |
| Dorst | Jackson | Maloney | Schnirel | Yeomans |
| Edwards | Jones | McCue | Shepardson | Speaker |
| Esquirol | Kane | | | |

Mr. Eisner moved to reconsider the vote by which said bill was lost, and that said motion lie on the table.

Mr. Speaker put the question whether the House would agree to said motion to lay upon the table, and it was determined in the negative.

Mr. Speaker put the question whether the House would agree to the reconsideration of the vote on the final passage of said bill, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof, and three-fifths being present.

AYES 54

NOES 92

Those who voted in the affirmative were:

| | | | | |
|-----------|-----------|-----------|------------|------------|
| Allen | Doty | Grimme | McDaniels | Sufrin |
| Baumes | Dox | Gurnett | Norton | Sullivan |
| Benninger | Eisner | Hamilton | Patrie | Sutphin |
| Birnkrant | Emden | Horton | Prime | Tallett |
| Bovie | Evans | Hover | Pullman | Telford |
| Brewster | Fuller | Hughes | Schaap | Taylor T D |
| Burden | Gage | Jude | Schwarz | Vert |
| Bush | Gallup | Kelly P J | Seaker | Volk |
| Carroll | Gathright | Kenney | Seely J L | Willard |
| Cole | Geyer | Knight | Seelye G T | Wood |
| Daley | Gibbs | McCollum | Squire | |

Those who voted in the negative were:

| | | | | |
|-----------|-------------|-----------|----------------|-------------|
| Adler | Fallon | Kelly J A | McElligott | Silverstein |
| Baxter | Farrell | Kelly J J | McGrath | Small |
| Bradley | Finchigan | Kelly J D | McKee | Smith J A |
| Brereton | Fitzgerald | Kerrigan | McKeon | Smith M |
| Bryant | Garvey | Kiernan | McMahon | Smith T K |
| Burr | Geoghan | Knott | Monahan | Sweet |
| Butts | Gillen | Kornobis | O'Brien | Taylor F J |
| Campbell | Goldberg | Lane | O'Connor | Tudor |
| Carver | Grace | Larrimer | Oxford | Ulrich |
| Caughlan | Greenberg A | Levy | Pappert | Van Woert |
| Cronin | Hammer | Lewis | Pempleton | Walker |
| Cuvillier | Hearn | Macdonald | Phillips | Ward |
| Deits | Heyman | Machold | Richardson | Webb |
| Dennen | Hinman | Madden | Robinson | Weil |
| Dennney | Hopkins | Magee | Rozz | Yale |
| Donohue | Ingram | Malone | Schifferdecker | Yard |
| Dorst | Jackson | Maloney | Schnirel | Yeomans |
| Edwards | Jones | McCue | Shepardson | Speaker |
| E quirol | Kane | | | |

On motion of Mr. Levy, the consideration of the balance of the calendar was postponed until Wednesday, June 25th.

On motion of Mr. Levy, the House adjourned.

WEDNESDAY, JUNE 25, 1913.

The House met pursuant to adjournment.

Prayer by Rev. Burton J. Hotaling.

On motion of Mr. Levy, the reading of the journal of yesterday was dispensed with and the same was approved.

A message from the Governor by the hand of his secretary was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY, N. Y., June 25, 1913.

To the Legislature:

The Attorney-General of the State has called my attention to the immediate necessity of legislation concerning the appropriation by the State of toll bridges crossing the canals of the State.

The Appellate Division of the Third Department since the adjournment of the regular session this year of the Legislature, has rendered a decision, the effect of which in the opinion of the Attorney-General will seriously delay the construction of the new barge canal.

Referring to this subject matter, the Attorney-General has advised me in writing as follows:

"A situation of great importance to the State has arisen in connection with the construction of the Barge canal, where the plans for the work require the use of the Mohawk and Hudson rivers for the improved waterway. Two amendments to the Canal Improvements Law, so-called, chapter 147 of the Laws of 1903, are imperatively needed at the earliest possible moment, and I make the following statement in order to make clear the urgent importance of securing the enactment of the amendments at the special session of the Legislature.

"Crossing the Mohawk and Hudson rivers are several toll bridges, constructed and in varying degrees of efficiency maintained by private corporations. All but one of these bridges require alteration or complete reconstruction in order to make possible the use of the river for canal purposes. It was believed by the Canal Board, relying on the case of Lehigh Valley Railroad Company against the Canal Board, 204 N. Y. 471, that these bridges could be lawfully taken for the improvement of the canal, and that when rebuilt they would be free bridges. Since the adjournment of the Legislature last month it has been decided by the Appellate Division in the Third Department that toll bridges cannot be physically taken or formally appropriated in the work of canal construction, and that the law requires the building of a new bridge before the old is destroyed or injured. The effect of this decision will be most serious, and as it is not subject to review by the Court of Appeals and the same question cannot otherwise reach the Court of Appeals for a long time to come, it is of the utmost importance that the State's right to construct the canal and to appropriate all necessary property to that end should be established beyond question by act of the Legislature.

"The statute as it is now interpreted requires the gift to a private monopoly of a structure vastly more valuable than anything it has ever owned, to which will attach the right to tax all travelers for forty years to come.

"The proposed amendments permit the State to take existing toll bridges and the franchises and rights to maintain them and make the bridges to be constructed in their place free public for all time."

I respectfully urge that the Legislature at this Extraordinary Session give its favorable consideration to this important matter.

WM. SULZER.

A message from the Governor by the hand of his secretary was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY, N. Y., June 25, 1913.

To the Legislature:

The State Architect has conferred with me concerning the necessity of legislation, reorganizing that department, in order to insure the proper and efficiency administration of the functions and duties imposed by law upon the State Architect.

Referring to this subject matter, the State Architect has advised me in writing as follows:

"I have the honor to invite your attention to the bill which I have framed, reorganizing the State Architect's office and placing it upon a departmental basis. My reasons for doing this I have explained to you a number of times and will again briefly state the facts which will warrant you in recommending to the Legislature, the passage of this bill.

"Upon my assuming charge of this office, I found a chaotic situation regarding the method of handling appropriations and responsibility for the disbursement of which was placed upon the State Architect, but only after the approval of a number of boards who have greater jurisdiction over the work than the State Architect himself. I have been compelled to redesign certain buildings on account of their being defective in construction and faulty in design.

"In addition, hundreds of thousands of dollars are being spent by the various institutions over which the State Architect has no jurisdiction whatever, except to indicate his approval of the materials which are to enter into the work. Reviewing the situation very carefully, I have framed this bill, first along the original lines laid down by you, second involving such provisions of law which my judgment would indicate as making a more workable department.

"It is my opinion that only through the authority which this bill would give the State Architect for handling the disbursement of those enormous sums of money can the best interests of the State be protected in carrying out your policy of economy and efficiency in all State institutions, and that the requirements of this bill would be a great check against extravagance such as hitherto existed. The method of financial organization which is provided by this bill, would tend to put the State Architect's department at the end of two years upon a self-sustaining basis. The check upon the State Architect, as provided in this bill, is such that chicanery and extravagance which has existed in former administrations, would be eliminated.

"The bill also provides for the establishment of an art com-

mission which I consider a most valuable adjunct to the department of architecture. This commission would also have jurisdiction over all works of art becoming the property of the State through appropriation or otherwise. They would also pass upon the design of the department of architecture. They would have the power of approval or disapproval of all projects made in the department of architecture for State buildings and would be a great factor in producing suitable designs for buildings to be erected for State institutions. In addition they would have jurisdiction over all the designs for monuments and works of a similar character. The enormous value of such an art commission has been proven in the past in both municipal and national affairs, as you well know, at the same time bringing to the service of the State, the best criticism from leading professional men of the highest standing.

"I do not hesitate to urge upon you in the strongest possible manner, the recommendation that you submit this bill to the Legislature for their action, as I am confident that the department of architecture, under this law, can be carried to a high point of efficiency and make those economies which you so earnestly desire and in doing so, reflect credit upon your administration, which I am so anxious to support."

I respectfully recommend to this Legislature that a measure embodying the views above stated concerning this important State department receive favorable action.

(Signed) WM. SULZER.

A message from the Governor by the hand of his secretary was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY, N. Y., June 25, 1913.

To the Legislature:

During the regular session, the Legislature passed a bill amending section 154 of the Transportation Corporations Law, by providing that the provision which prohibits railroads or express companies from acquiring control in any way of freight terminal companies, shall not apply to corporations in the city of New York.

My approval of this bill was urged by the authorities of the city of New York, for the purpose of permitting the adequate operation of the proposed marginal terminal railway in the borough of Brooklyn.

The bill in the form in which it passed the Legislature was not limited in its operation to the borough of Brooklyn, but

affected all the five boroughs in the city of New York, which was unnecessary for the accomplishment of its stated purpose, and I vetoed it.

I approved a certain measure passed by the Legislature, amending the New York City Freight Terminals Act, relative to water front facilities in New York city, which specifically related to the contemplated Brooklyn terminal improvement.

"The authorities of the city of New York and the State Engineer, after a careful examination of the situation have advised me that the plans agreed upon and contemplated by the municipal authorities for the efficient operation of the terminals on the South Brooklyn water front can not be consummated without statutory authority permitting railroad companies to hold stock in terminal freight companies in the borough of Brooklyn.

I feel convinced that this proposed development is of the greatest importance to the commerce of the port of New York and to the business interests of the borough of Brooklyn and believe that it is but proper for this Legislature to afford the means necessary to the proper city authorities for the complete establishment and efficient operation of this great proposed freight terminal.

Under the circumstances, I recommend to this Legislature, for its favorable consideration, an amendment to the law that will permit and secure the joint operation of the proposed terminal railroad in accordance with the plans contemplated and approved by the municipal authorities of the city of New York.

(Signed) WM. SULZER.

A message from the Governor by the hand of his secretary was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY, N. Y., *June 25, 1913.*

To the Legislature:

Among the bills recommended by the Factory Investigating Commission, passed at the last session of the Legislature, was chapter four hundred and sixty-three of the Laws of nineteen hundred and thirteen, entitled "An act to amend the Labor Law, in relation to bakeries."

Section one hundred and sixteen thereof, deals with the prohibition of future cellar bakeries and provides that no new bakery shall hereafter be located in a cellar not theretofore used for bakery purposes. The act took effect on May 9, 1913.

After consideration, the Factory Investigating Commission advised me that the effect of the immediate enforcement of the provisions of section one hundred and sixteen would be unfair and

unjust. It would affect buildings in the course of construction, at the time the act took effect, which plans provided for cellar bakeries.

It was not intended by the Commission, as I am advised, that the act should have this effect. My attention has been called to cases where the operation of the law as it now stands would work an unwarrantable hardship as in cases where the owners of buildings were proceeding with their construction under plans which had been approved under the existing law and which provided for the construction of cellar bakeries.

The Factory Investigating Commission urges that the law should be amended to the end that section one hundred and sixteen shall not apply to the cellar of a building in the course of construction on the ninth day of May, nineteen hundred and thirteen, nor to the cellar of a building the construction of which was commenced after the first day of January, nineteen hundred and thirteen, and completed on or before the ninth day of May, nineteen hundred and thirteen, provided that such cellar be used and operated as a bakery at any time prior to the first day of January, nineteen hundred and fourteen, and that satisfactory proof of the time of the construction of such building and of the use of the cellar as a bakery as herein specified be furnished to the commissioner of labor, in such form as he may require on or before the twenty-eighth day of February, nineteen hundred and fourteen.

A bill embodying these suggestions will be presented to the Legislature, and I can see no reason why it should not receive favorable consideration.

(Signed) WM. SULZER.

A message from the Governor by the hand of his secretary was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY, N. Y., June 25, 1913.

To the Legislature:

On June 5, 1913, the grievance committee of the Association of the Bar of the city of New York announced that it had been requested to investigate certain charges made against Honorable Daniel F. Cohalan, a justice of the Supreme Court, of the State of New York, in and for the First Judicial District; and by a communication in writing, addressed to said Justice Cohalan, invited him or his attorney to confer with the counsel for said committee.

Mr. Justice Cohalan, on June 12, 1913, advised such committee that, in his opinion, it had no jurisdiction over the subject matter,

and that he intended to present the matter to me, as the Governor of the State; and, thereafter, the said justice addressed a communication to me, as follows:

"Charges have recently appeared in the public press of this city emanating from one John A. Connelly, reflecting upon my conduct in my professional relations to him.

"If you deem it proper and compatible with the public interest, I ask that you direct the attention of the Legislature about to convene in extraordinary session, to these charges for such action as it may deem proper, since in view of my judicial position, the Legislature is the only body having jurisdiction to investigate and act in the premises."

I thereupon requested said grievance committee of the Association of the Bar, to file with me, any and all exhibits and facts in its possession, together with their report, recommendation and conclusion, regarding the same, and upon their receipt I advised said committee, I would take further action in the premises.

On June 25, 1913, I received a report in writing, with exhibits thereto annexed, from the said committee on grievance of the Association of the Bar of the city of New York respecting this matter, and I considered it proper that the same be immediately transmitted to this Legislature for appropriate action in the premises.

Accordingly, I herewith transmit to this Legislature, and as part of this message, at this time, copies of the said report of the said grievance committee, together with said exhibits, and respectfully suggest that pursuant to article VI, section 11 of the Constitution, and the other provisions of law that may be applicable thereto, the same receive the immediate attention of this Legislature, and that a thorough and exhaustive investigation and examination be made and the true facts ascertained; that fair and full opportunity for their presentation be given all the parties interested, including the representatives of the Bar Association of the city of New York, and that after such examination and hearing, in accordance with the Constitution and the Laws of the State of New York, this Legislature take such action in the premises as shall be deemed wise, proper and expedient.

(Signed) WM. SULZER.

On motion of Mr. Levy said message, together with said report of the said grievance committee, was referred to the committee on the judiciary.

By unanimous consent, Mr. Levy introduced a bill entitled "An act to amend chapter one hundred and forty-seven of the Laws of

nineteen hundred and three, entitled 'An act making provision for issuing bonds to the amount of not to exceed one hundred and one million dollars for the improvement of the Erie canal, the Oswego canal and the Champlain canal, and providing for a submission of the same to the people to be voted upon at the general election to be held in the year nineteen hundred and three,' in relation to toll bridges over the barge canal" (Int. No. 15), which was read the first time and referred to the committee on ways and means.

By unanimous consent, Mr. Bush introduced a bill entitled "An act to amend the Public Buildings Law, in relation to the office of State Architect, establishing a department of architecture and an art commission, and defining the jurisdiction, powers and duties thereof" (Int. No. 16), which was read the first time and referred to the committee on ways and means.

By unanimous consent, Mr. Eisner introduced a bill entitled "An act to amend the Election Law, in relation to the nomination of party candidates for certain State offices" (Int. No. 17), which was read the first time and referred to the committee on the judiciary.

By unanimous consent, Mr. Jackson introduced a bill entitled "An act to amend the Labor Law, in relation to bakeries" (Int. No. 18), which was read the first time.

On motion of Mr. Jackson, and by unanimous consent, said bill was read the second time and ordered to a third reading and referred to the committee on labor and industries.

By unanimous consent, Mr. Eisner introduced a bill entitled "An act to amend the Election Law, generally" (Int. No. 19), which was read the first time and referred to the committee on the judiciary.

By unanimous consent, Mr. Sweet introduced a bill entitled "An act to provide for the construction of a bridge by the State over a portion of the Oswego river and the barge canal at Minetto, in the county of Oswego, to connect with a bridge to be built by local authorities over a portion of such river, and making an appropriation therefor" (Int. No. 20), which was read the first time and referred to the committee on ways and means.

By unanimous consent, Mr. F. J. Taylor introduced a bill entitled "An act to amend the Transportation Corporations Law, in relation to the ownership or control of stock and bonds of freight terminal companies by certain corporations and joint stock associations" (Int. No. 21), which was read the first time and referred to the committee on the judiciary.

By unanimous consent, Mr. Daley introduced a bill entitled "An act to amend the Housing Law for Second Class Cities, in relation to the time when said law shall take effect" (Int. No. 22), which was read the first time and referred to the committee on affairs of cities.

Mr. Caughlan, from the committee on affairs of cities, to which was referred Assembly bill introduced by Mr. Hlinman (No. 13, Int. No. 13), entitled "An act to amend chapter seven hundred and seventy-four of the Laws of nineteen hundred and thirteen, entitled 'An act in relation to the housing of the people in cities of the second class,' in relation to the time when the same should take effect," retaining its place on the order of third reading, reported in favor of the passage of the same, without amendment, which report was agreed to, and said bill ordered restored to its place on the order of third reading.

Mr. Goldberg, from the committee on the judiciary, to which was referred Assembly bill introduced by Mr. Levy (No. 8, Int. No. 8), entitled "An act to provide for submitting to the electors of the State at the general election in the year nineteen hundred and thirteen the question 'Shall there be a convention to revise the Constitution and amend the same?'" reported in favor of the passage of the same, without amendment, which report was agreed to, and said bill placed on the order of second reading.

Mr. Goldberg, from the committee on the judiciary, to which was referred Assembly bill introduced by Mr. Goldberg (No. 10, Int. No. 10), entitled "An act to amend chapter seven hundred and eighteen of the Laws of nineteen hundred and four, entitled 'An act authorizing the selection of lands for the New York State Training School for Boys, and establishing the said school,' in relation to acquiring the interest of the State of New York in certain lands on Randall's island in exchange for certain lands in the

city of New York," retaining its place on the order of third reading, reported in favor of the passage of the same, without amendment, which report was agreed to, and said bill ordered restored to its place on the order of third reading.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *June 25, 1913.*

Resolved (if the Assembly concur), That it be referred to a committee composed of three Senators, appointed by the President of the Senate, and three members of the Assembly, appointed by the Speaker, to formulate rules of practice and procedure in the matter of the proceedings in pursuance of section 11 of article 6 of the Constitution for the removal of Daniel F. Cohalan from the office of justice of Supreme Court, with a statement of the cause alleged for such removal and report the same to the Senate and Assembly with all convenient speed.

By order of the Senate,

PATRICK E. McCABE,

Clerk.

which was referred to the committee on the judiciary.

Mr. Doty, from the committee on printed and engrossed bills, reported the following bills as correctly printed or engrossed:

"An act to amend the Election Law, generally, in relation to reducing expenses of nominations and elections and further regulating the conduct of primaries and elections." (No. 2, Int. No. 2.)

"An act to amend the Election Law, in relation to reducing expenses in the operation of such law." (No. 1, Int. No. 1.)

Mr. Levy moved a call of the members of the House.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

By direction of the Speaker, the Clerk called the roll, when the following members responded.

| | | | | |
|-----------|------------|---------|------------|-------------|
| Aller | Dox | Heyman | McCollum | Shepardson |
| Allen | Edwards | Hinman | McDaniels | Silverstein |
| Baumes | Eisner | Hopkins | McElligott | Small |
| Baxter | Emden | Horton | McGrath | Smith J A |
| Benninger | Esquirol | Hover | McKee | Smith M |
| Birnkrant | Evans | Hughes | McKeon | Smith T K |
| Bovie | Fallon | Jackson | McMahon | Squire |
| Bradley | Farrell | Jones | Monahan | Sufirin |
| Brereton | Fitzgerald | Jude | Norton | Sullivan |
| Brewster | Finnigan | Kane | O'Brien | Sweet |

| | | | | |
|-----------|-------------|-----------|----------------|------------|
| Bryant | Fuller | Kelly J A | O'Connor | Tallett |
| Burden | Gage | Kelly J J | Oxford | Taylor F J |
| Burr | Gallup | Kelly J D | Pappert | Taylor T D |
| Bush | Garvey | Kelly P J | Patrie | Telford |
| Butts | Gathright | Kerrigan | Pembleton | Tudor |
| Campbell | Geoghan | Kiernan | Phillips | Ulrich |
| Carroll | Geyer | Knight | Prime | Van Woert |
| Carver | Gibbs | Kornobis | Pullman | Volk |
| Caughlin | Gillen | Lane | Richardson | Walker |
| Cole | Gillett | Larrimer | Robinson | Ward |
| Cronin | Goldberg | Levy | Rozan | Webb |
| Cuvillier | Grace | Lewis | Schaap | Weil |
| Daley | Greenberg A | Macdonald | Schifferdecker | Willard |
| Deitz | Grimme | Machold | Schnirel | Willmott |
| Dennen | Gurnett | Madden | Schwarz | Wood |
| Denney | Hamilton | Magee | Seaker | Yale |
| Donohue | Hammer | Malone | Seely J L | Yard |
| Dorst | Hearn | Maloney | Seelye G T | Yeomans |
| Doty | | | | |

Mr. Levy moved that the House proceed with business during the pendency of the call.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker announced the special order, being the bill (No. 2, Int. No. 2) entitled "An act to amend the Election Law, generally, in relation to reducing expenses of nominations and elections and further regulating the conduct of primaries and elections."

Debate was had thereon.

Mr. Sullivan moved to amend by striking out all after the enactment clause and inserting the following:

(See Appendix No. 25.)

Debate was continued.

Mr. Speaker put the question whether the House would agree to said motion of Mr. Sullivan, and it was determined in the negative.

On motion of Mr. Van Woert, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 77

NOES 59.

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|-----------|------------|----------------|
| Benninger | Dorst | Heyman | Maloney | Rozan |
| Brewster | Emden | Jackson | McCollum | Schifferdecker |
| Burden | Esquirol | Kane | McDaniels | Schnirel |
| Burr | Evans | Kelly J A | McElligott | Seely J L |
| Butts | Fallon | Kelly J J | McGrath | Silverstein |
| Campbell | Farrell | Kelly J D | McKee | Small |
| Carver | Finnigan | Kelly P J | McKeon | Taylor F J |
| Caughlan | Fitzgerald | Kenney | McMahon | Tudor |
| Cole | Garvey | Kerrigan | Monahan | Ulrich |
| Cronin | Geoghan | Kiernan | O'Brien | Van Woert |
| Cuvillier | Gillen | Kornobis | O'Connor | Walker |
| Daley | Goldberg | Lane | Oxford | Ward |
| Deitz | Greenberg A | Larrimer | Patrie | Weil |
| Dennen | Gurnett | Levy | Pullman | Yard |
| Denney | Hammer | Madden | Robinson | Speaker |
| Donohue | Hearn | | | |

Those who voted in the negative were:

| | | | | |
|-----------|----------|-----------|------------|------------|
| Adler | Edwards | Horton | Phillips | Sullivan |
| Allen | Eisner | Hover | Prime | Sweet |
| Baxter | Fuller | Hughes | Richardson | Tallett |
| Birnkrant | Gage | Jones | Schaap | Taylor T D |
| Bowie | Gallup | Jude | Schwarz | Telford |
| Bradley | Geyer | Knight | Seaker | Volk |
| Brereton | Gibbs | Macdonald | Seelye G T | Webb |
| Bryant | Grace | Machold | Shepardson | Willard |
| Bush | Grimme | Malone | Smith J A | Wilmott |
| Carroll | Hamilton | Norton | Smith M | Wood |
| Doty | Hinman | Pappert | Smith T K | Yeomans |
| Dox | Hopkins | Pembleton | Sufrin | |

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 1, Int. No. 1) entitled "An act to amend the Election Law, in relation to reducing expenses in the operating of such law."

On motion of Mr. Van Woert, said bill was read the second time and ordered to a third reading,

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 98

NOES 29

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|-------------|----------------|-------------|
| Benninger | Doty | Hearn | Macdonald | Schnirel |
| Birnkrant | Dox | Heyman | Madden | Schwarz |
| Bovie | Eisner | Horton | Maloney | Seely J L |
| Brewster | Emden | Hover | McCollum | Silverstein |
| Burden | Esquirol | Hughes | McDaniels | Small |
| Burr | Evans | Jackson | McElligott | Sullivan |
| Bush | Fallon | Jones | McGrath | Taylor F J |
| Butts | Farrell | Jude | McKee | Taylor T D |
| Campbell | Finnigan | Kane | McKeon | Telford |
| Carver | Fitzgerald | Kelly J A | McMahon | Tudor |
| Caughlan | Fuller | Kelly J J | Monahan | Ulrich |
| Cole | Gallup | Kelly J D | O'Brien | Van Woert |
| Cronin | Geoghan | Kelly H. J. | O'Connor | Walker |
| Cuvillier | Geyer | Kerrigan | Oxford | Ward |
| Daley | Gibbs | Kiernan | Patrie | Weil |
| Deitz | Gillen | Knight | Pullman | Willard |
| Dennen | Goldberg | Kornobis | Robinson | Willmott |
| Denney | Greenberg A | Lane | Rozan | Yard |
| Donohue | Gurnett | Larrimer | Schifferdecker | Speaker |
| Dorst | Hamilton | Levy | | |

Those who voted in the negative were:

| | | | | |
|----------|---------|-----------|------------|---------|
| Adler | Carroll | Machold | Richardson | Sufrin |
| Allen | Edwards | Malone | Schaap | Sweet |
| Baxter | Grace | Norton | Seelye G T | Tallett |
| Bradley | Grimme | Pemberton | Shepardson | Volk |
| Brereton | Hinman | Phillips | Smith M | Webb |
| Bryant | Hopkins | Prime | Smith T K | |

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Levy moved to reconsider the vote by which the message of the Governor and documents relating to Justice Cohalan were referred to the committee on the judiciary.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Levy offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That the message of the Governor of June 25, 1913, and and the documents accompanying said message, relating to Hon. Daniel F. Cohalan, a justice of the Supreme Court of the State of New York, be referred to a committee composed of three Senators, appointed by the President of the Senate, and three members of the Assembly, appointed by the Speaker of the Assembly, to prepare rules and procedure for further action thereon, and the said committees report to their respective Houses as soon as convenient.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

On motion of Mr. Willmott, and by unanimous consent, the fact that he was unavoidably absent from the Chamber at the time of the roll call on Assembly bill (No. 4, Int. No. 4) entitled "An act to amend the Election Law, generally," and, if present, would have voted in favor of said bill was ordered spread upon the journal.

At three-thirty o'clock P. M., on motion of Mr. Levy, the House took a recess until five o'clock P. M.

FIVE-THIRTY O'CLOCK P. M.

The House again convened.

The Senate returned the concurrent resolution in relation to the charges against Justice Cohalan, with a message that they have concurred in the passage of the same without amendment.

Pursuant to said resolution, Mr. Speaker appointed Messrs. Levy of New York, Adler of Monroe and Patrie of Greene as the committee on the part of the Assembly.

The Senate sent for concurrence the following entitled bill:

"An act to amend the Election Law, relative to members of State committees of political parties" (No. 17, Int. No. 17), which was read the first time and referred to the committee on the judiciary.

Mr. Levy, from the special committee appointed to determine the procedure in relation to the charges against Justice Cohalan, submitted the following report:

June 25, 1913.

To the Senate and Assembly:

The joint committee of the Legislature to which was referred the matter of procedure for further action upon the message of the Governor of June 25, 1913, and the documents accompanying said message, relating to Hon. Daniel F. Cohalan, a justice of the Supreme Court of the State of New York, pursuant to a concurrent resolution adopted this day, submits the following report:

1. The investigation shall be of certain alleged acts of the said Hon. Daniel F. Cohalan, justice as aforesaid, set forth in said message of the Governor and the documents accompanying the same consisting of a report of the grievance committee of the Bar Association of the City of New York and an exhibit.

2. The investigation shall be publicly conducted by either the Senate and Assembly in joint session in the Assembly Chamber in the Capitol at Albany, or by a joint committee of the Legislature consisting of the members of the judiciary committees of the Senate and Assembly, respectively, as the Legislature shall, by concurrent resolution, determine. In the event that said investigation be conducted by such committee it shall, with all convenient speed, report the proceedings had and submit the record with its findings and conclusions and recommendations thereon to the Legislature for its consideration.

3. In the event that said investigation be conducted by such joint committee it shall have power to enforce the attendance of its members, to require a roll call on any question and make a record thereof; to issue subpoenas and enforce attendance thereunder and compel the production of books and papers thereby; and to limit debate on the part of its members and counsel.

4. The committee designated to conduct said investigation shall have, and it hereby is given and granted, all the power and authority given and granted to a committee of the Legislature or either House thereof by the Legislative Law, to select a chairman, to sit in such place or places within the State as it may deem necessary and proper for the convenience of witnesses or otherwise, may send for persons or papers or documents, compel the attendance of witnesses, take under oath oral testimony and receive written evidence and may for that purpose employ such counsel, a stenographer and such other assistants as it may need. That the sergeants-at-arms of the Senate and the Assembly shall attend such committee, serve or have served such papers and perform such other duties as the committee may require. The actual and necessary expenses of the said committee, in carrying out the provisions of this resolution, are to be paid from the moneys appropriated for the contingent expenses of the Legislature by the Treasurer on the warrant of the Comptroller and the certificate of the chairman of the committee.

5. Parties to this investigation may appear by counsel and participate in the proceedings under such conditions as the Legislature or the joint committee shall prescribe.

6. All the legal rules in regard to the introduction of evidence and in the examination of witnesses prevailing in the courts of record in this State shall be observed by the presiding officer, subject to an appeal to the committee.

7. All motions and offers made by Senators, members of Assembly or by counsel for the committee or for parties to the investigation shall be addressed to the presiding officer and if he shall require, or the committee order, they shall be reduced to writing and in the joint session of the Legislature read at the desk by the Clerk and in the joint committee by the chairman, and the decision thereof and of all points and objections raised by said counsel shall be made by the presiding officer, which decision shall be final, unless an appeal shall be taken therefrom, in the joint session of the Legislature at the request of five members thereof, and in the joint committee at the request of a member of said joint committee.

8. The official stenographer of the Senate, with such assistants as shall be necessary, may take the proceedings, including oral testimony and evidence, and copies of all documents introduced in evidence, the remarks of Senators and members of Assembly and counsel, and the rulings of the presiding officer and the presiding officer shall procure the same to be printed or mimeographed for the use of the members and counsel at the opening of the session on the next day after the same shall have been given.

9. Should the Legislature determine that such investigation be conducted by the Senate and Assembly in joint session they shall proceed with the investigation on the 30th day of June, 1913; and unless otherwise ordered shall meet in the Assembly Chamber daily at 10:00 o'clock in the morning and shall take up the investigation and continue in session until 1:00 o'clock P. M., at which hour a recess shall be had until 2:00 o'clock when it shall meet again and continue in session until 5:00 o'clock. This rule may be changed by motion without previous notice at any time and a recess or adjournment may be taken at or to a different hour.

10. Should the Legislature determine that the joint committee conduct said investigation the said joint committee shall proceed with said investigation on the 30th day of June, 1913, at 10:00 o'clock A. M. at such place as said committee may designate.

11. Should the investigation be conducted by the Senate and Assembly in joint session, at the conclusion of the evidence they shall fix the time and place for the final arguments of counsel and shall determine the number of counsel to be heard.

Respectfully submitted,

JOHN MURTAUGH,
HENRY W. POLLOCK,
H. P. COATS,
AARON J. LEVY,
SIMON L. ADLER,
J. L. PATRIE.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *June 25, 1913.*

Resolved (if the Assembly concur), That the investigation of the matters contained in the message of the Governor to the Legislature of June 25, 1913, and of the documents accompanying the same in relation to certain alleged acts of the Hon. Daniel F. Cohalan, justice of the Supreme court of the State of New York, be conducted by a joint committee consisting of the members of the judiciary committees of the Senate and Assembly, respectively, to hear the evidence and report with all convenient speed the proceedings had and submit the report with its findings, conclusions and recommendations thereon to the Senate and Assembly for their consideration; and further,

Resolved, That the recommendations as to procedure contained in the report of the joint committee of the Legislature to which was referred the matter of the determination of a form of procedure for the investigation into the matters as above mentioned be adopted, and that such investigation be conducted pursuant to the form of procedure contained in said report.

By order of the Senate,

PATRICK E. McCABE,
Clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 140

NOES 00

Those who voted in the affirmative were:

| | | | | |
|-----------|------------|-----------|------------|-------------|
| Adler | Doty | Heyman | McCollum | Silverstein |
| Allen | Dox | Hinman | McDaniels | Small |
| Baumes | Edwards | Hopkins | McElligott | Smith J A |
| Baxter | Eisner | Horton | McGrath | Smith M |
| Benninger | Emden | Hover | McKee | Smith T K |
| Birnkrant | Esquirol | Hughes | McKeon | Squire |
| Bovie | Evans | Jackson | McMahon | Sufrin |
| Bradley | Fallon | Jones | Monahan | Sullivan |
| Brereton | Farrell | Jude | Norton | Sutphin |
| Brewster | Finnigan | Kane | O'Brien | Sweet |
| Bryant | Fitzgerald | Kelly J A | O'Connor | Tallett |
| Burden | Fuller | Kelly J J | Oxford | Taylor F J |
| Burr | Gage | Kelly J D | Pappert | Taylor T D |
| Bush | Gallup | Kelly P J | Patrie | Telford |
| Butts | Garvey | Kerrigan | Pembleton | Tudor |
| Campbell | Gathright | Kiernan | Phillips | Ulrich |

| | | | | |
|------------|-------------|-----------|------------|-----------|
| Carroll | Geoghan | Knight | Prime | Van Woert |
| Carver | Gayer | Kornobis | Pullman | Volk |
| Caughlan] | Gibbs | Lane | Richardson | Walker |
| Cole | Gillen | Larrimer | Robinson | Ward |
| Cronin | Goldberg | Levy | Rozan | Webb |
| Cuvillier | Grace | Lewis | Schaap | Weil |
| Daley | Greenberg A | Macdonald | Schnirel | Willard |
| Deitz | Grimme | Machold | Schwarz | Willmott |
| Dennen | Gurnett | Madden | Seaker | Wood |
| Denney | Hamilton | Magee | Seely J L | Yale |
| Donohue | Hammer | Malone | Seelye G T | Yard |
| Dorst | Hearn | Maloney | Shepardson | Yeomans |

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *June 25, 1913.*

Whereas, It has been alleged in the press of the State that unlawful or improper methods have been used or pursued by private persons or public officers and wrongful or unlawful acts done to influence the votes of legislators on election or primary legislation; and

Whereas, There has been submitted to the present extraordinary session of the Legislature of the State of New York a proposed act providing among other things for the punishment of any person who while a candidate for an elective office to be voted for by the electors of the whole State shall fail to make true returns of monies or things of value, directly or indirectly received, or expended in aid of such candidacy, or who shall receive or expend more than a certain sum stated in said act now therefore, be it

Resolved (if the Assembly concur), That for the information of the Legislature, the whole subject of any unlawful or improper methods or wrongful or unlawful acts aforesaid and of receipts and expenditures of candidates for an elective office to be filled by the votes of the electors of the whole State be referred to a certain joint legislative committee of the Senate and Assembly to examine into the methods of financial administration and conduct of all institutions, societies or associations of the State, etc., heretofore appointed under joint resolution, dated the 2d day of May, 1913, to ascertain and report to the Legislature at this extraordinary session, or, if not ready, as soon thereafter as possible, whether any unlawful or improper methods have been employed, used or pursued or wrongful or unlawful acts done by any private person or public officer to influence the votes of legislators on elec-

tion or primary legislation at the last regular or the present extraordinary session of the Legislature; and, further, to investigate into, ascertain and report upon all expenditures made by any candidate voted for at the last preceding election by the electors of the whole State and upon all statements filed by or on behalf of any such candidate for moneys or things of value received or paid out in aid of his election and their compliance with the present requirements of law relating thereto.

Said committee to have the power to subpoena witnesses on these subjects the same as provided in the resolution of May second, above referred to.

By order of the Senate,
PATRICK E. McCABE,
Clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Levy offered for the consideration of the House a resolution, in the words following:

Resolved, That the term of office of each officer and employee of the Assembly, other than elective officers and employees, terminate on the 25th day of June, 1913, and that the Clerk be authorized to appoint during the recess and the adjourned session such employees as may be required for the conduct of the business of the House, for such periods of time and at such compensation as he may determine, to be paid out of the moneys appropriated for the payment of the salaries and compensation of officers and employees of the Legislature upon the certificate of the Clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 140

NOES 00

Those who voted in the affirmative were:

| | | | | |
|--------|---------|---------|------------|-------------|
| Adler | Doty | Heyman | McCollum | Silverstein |
| Allen | Dox | Hinman | McDaniels | Small |
| Baumes | Edwards | Hopkins | McElligott | Smith J A |
| Baxter | Eisner | Horton | McGrath | Smith M |

| | | | | |
|-----------|-------------|-----------|------------|------------|
| Benninger | Emden | Hover | McKee | Smith T K |
| Birnkrant | Esquirol | Hughes | McKeon | Squire |
| Bovie | Evans | Jackson | McMahon | Sufrin |
| Bradley | Fallon | Jones | Monahan | Sullivan |
| Brereton | Farrell | Jude | Norton | Sutphin |
| Brewster | Finnigan | Kane | O'Brien | Sweet |
| Bryant | Fitzgerald | Kelly J A | O'Connor | Tallett |
| Burden | Fuller | Kelly J J | Oxford | Taylor F J |
| Burr | Gage | Kelly J D | Pappert | Taylor T D |
| Bush | Gallup | Kelly P J | Patrie | Telford |
| Butts | Garvey | Kerrigan | Pembleton | Tudor |
| Campbell | Gathright | Kiernan | Phillips | Ulrich |
| Carroll | Geoghan | Knight | Prime | Van Woert |
| Carver | Geyer | Kornobis | Pullman | Volk |
| Caughlan | Gibbs | Lane | Richardson | Walker |
| Cole | Gillen | Larrimer | Robinson | Ward |
| Cronin | Goldberg | Levy | Rosan | Webb |
| Cuvillier | Grace | Lewis | Schaap | Weil |
| Daley | Greenberg A | Macdonald | Schnirel | Willard |
| Deitz | Grimme | Machold | Schwarz | Willmott |
| Dennen | Gurnett | Madden | Seaker | Wood |
| Denney | Hamilton | Magee | Seely J L | Yale |
| Donohue | Hammer | Malone | Seelye G T | Yard |
| Dorst | Hearn | Maloney | Shepardson | Yeomans |

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *June 25, 1913.*

Resolved (if the Assembly concur), That when the Legislature adjourns to-day it be to meet on Tuesday, July 8, 1913, at 8:30 o'clock P. M.

By order of the Senate,

PATRICK E. McCABE,

Clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

On motion of Mr. McCue, and by unanimous consent, the fact that he was unavoidably absent at the roll-call on Assembly bill (No. 2, Int. No. 2) entitled "An act to amend the Election Law, generally, in relation to reducing expenses of nominations and elections and further regulating the conduct of primaries and elections," and, if present, would have voted aye was ordered entered in the journal.

The Senate returned the bill (No. 1, Int. No. 1) entitled "An act to amend the Election Law, in relation to reducing expenses in the operation of such law."

Also, the bill (No. 2, Int. No. 2) entitled "An act to amend the Election Law, generally, in relation to reducing expenses of nominations and elections and further regulating the conduct of primaries and elections," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk deliver said bills to the Governor.

Pursuant to concurrent resolution, Mr. Speaker declared the House adjourned until Tuesday, July 8th, at eight-thirty o'clock P. M.

TUESDAY, JULY 8, 1913.

The House met pursuant to adjournment.

Prayer by Rev. P. A. Mahen, 869 Lexington ave., New York city.

On motion of Mr. Levy, the reading of the journal of June 25th was dispensed with and the same was approved.

A message from the Governor by the hand of his secretary was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,

ALBANY, *July 8, 1913.*

To the Legislature:

In my opinion a long step towards municipal home rule was accomplished by the enactment of chapter 247 of the Laws of 1913, known as the Home Rule Law for Cities.

This Home Rule Law largely increased the powers of cities as municipal corporations, but failed to confer upon them authority to change the structure of their government.

It is my conviction that our cities should have the right and the power to choose their own form of government without going to the Legislature for permission to do so; and I believe that the Legislature has the authority, by general legislation, to confer such power upon second and third class cities.

Since the adjournment of the regular session of the Legislature, a conference of the mayors, and other officials, of these cities was

held at Binghamton, and adopted resolutions urging the enactment of such a law at this Extraordinary Session of the Legislature.

All the members of the legislative committee of the Mayors' Conference, together with a committee of the Municipal Government Association, have called upon me in Albany, urging that I present this matter to the consideration of this Extraordinary Session; and presented a petition, signed by thirty-seven mayors of second and third class cities of our State requesting the enactment of such a measure.

At the regular session of the Legislature, an optional city charter bill was introduced, but failed of passage. If it had been enacted it would have given our cities of the second and third class an opportunity to choose for themselves the form of charter they desired. These cities should have this privilege.

The municipal empowering act, now law, together with the enactment of an optional city charter act, will, in my opinion, constitute the largest degree of home rule that can be granted to these cities of our State, by general laws, prior to the passage of a home rule amendment to the Constitution, which should provide cities with the absolute freedom to decide for themselves all matters concerning their local affairs and form of government.

No man in all this State is a greater believer than I am in the doctrine of home rule as a fundamental right. Long experience has taught us that many of the evils the people want remedied; that most of the things the people want done; can be remedied, and can be done, through local agencies without interference, or invasion, by the State Legislature.

I respectfully recommend to this Legislature the favorable consideration of a measure substantially similar to that proposed at the last regular session.

That measure provided that cities should have the option of adopting any one of five simplified forms of city government, including two plans providing for the election of mayors and councils-at-large; one plan for the election of a mayor and council chosen by wards; a so-called commission plan; and the city manager plan.

It also granted to cities of the third class the option of accepting the existing White charter for second-class cities, with the salaries on a lower schedule.

I respectfully request the careful consideration of the Legislature to this vitally important subject of real home rule, and trust that such action will be taken as will place New York in the lead of those States which have had the foresight and the enlightenment to grant such local authority to their municipalities.

(Signed) WM. SULZER.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,

ALBANY, July 8, 1913.

To the Assembly:

I return herewith, without my approval, Assembly bill (Printed No. 2) (extraordinary session) entitled "An act to amend the Election Law, generally, in relation to reducing expenses of nominations and elections and further regulating the conduct of primaries and elections."

During the previous session of the Legislature, I twice vetoed bills similar to the one now before me. The reasons stated in my former vetoes are applicable to this measure.

My views concerning the provisions of this bill are well known to the voters of the State, and should be to every member of the Legislature.

I am aware that this measure passed the Assembly by a bare majority; and although it must be deemed to represent the position of the Legislature at this time, respecting promised electoral reforms, I am convinced that it does not carry out in good faith the pledges of the leading political parties of our State, which a great majority of the citizens of New York insist shall be done in accordance with platform promises.

I feel confident that when the opportunity presents itself the disapproval of the electors of this measure will be as emphatic as is my disapproval of this bill and the two previous similar measures.

The bill is disapproved.

(Signed) WM. SULZER.

On motion of Mr. Levy, said message was ordered printed and referred to the committee on the judiciary, and said bill was ordered laid upon the table.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,

ALBANY, July 8, 1913.

To the Assembly:

I return herewith, without my approval, Assembly bill (Printed No. 1) (extraordinary session) entitled "An act to amend the Election Law, in relation to reducing expenses in the operation of such law."

Every desirable feature contained in the measure now before me for executive action was embraced in the measure amending the Election Law, generally, which I recommended and caused to be introduced at the commencement of this extraordinary session, and which this Legislature has seen fit to defeat.

On examination, this measure contains certain features which, under the guise of attempting to reduce election expenses, operate to continue in force objectionable features of our present Primary Law.

For example, the provisions for marking a vote on the primary ballot, permit the voting a straight ticket by making a mark in a circle under an emblem. The retention of this device operates against real reform in our Primary Law, which I believe a majority of the voters expect this Legislature to accomplish.

The measure now before me prescribes that the party emblem shall appear upon the primary ballot. This, as I have said before, I believe to be an impediment to real primary reform.

The method which I urged, of marking a direct primary ballot by a voter, amends section 58 of the Election Law in this respect, by eliminating any possibility of voting a straight ticket by making a mark in a circle under an emblem, and requires, in substance, a cross mark in the voting space at the left of the candidate's name.

I am in accord with the legislative desire to reduce the unnecessarily large expense in the operation of the Primary Law, but my power as Executive, when acting upon measures passed by the Legislature, does not permit me to retain the good features of a bill and reject the bad ones.

If the purposes of this bill were solely to reduce the burden of expense now incident to primary elections, I would gladly approve it; but when it deals with the question of primary reform in a manner directly opposed to the recommendations I have made, I am convinced that in regard to this measure, it is my duty to disapprove the same, and I believe a majority of the voters of our State will sustain my action in so doing.

I disapprove the bill.

(Signed) WM. SULZER.

On motion of Mr. Levy, said message was ordered printed and referred to the committee on the judiciary, and said bill laid upon the table.

By unanimous consent, Mr. Levy introduced a bill entitled "An act to authorize a city of the second or third class to adopt a

simplified form of government" (Int. No. 23), which was read the first time and referred to the committee on affairs of cities.

By unanimous consent, Mr. Jude introduced a bill entitled "An act to amend the Election Law, in relation to nominations and primaries" (Int. No. 24), which was read the first time and referred to the committee on the judiciary.

The bill (No. 8, Int. No. 8) entitled "An act to provide for submitting to the electors of the State at the general election in the year nineteen hundred and thirteen the question 'Shall there be a convention to revise the Constitution and amend the same,'" was read the second time.

On motion of Mr. Levy, said bill was placed on the order of third reading and referred to the committee on revision.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *July 8, 1913.*

Resolved (if the Assembly concur), That when the Legislature adjourns to-day it be to meet on Wednesday, July 16th, at 8:30 o'clock P. M.

By order of the Senate,
PATRICK E. McCABE,
Clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

Pursuant to concurrent resolution, Mr. Speaker declared the House adjourned until Wednesday, July 16th, at 8:30 o'clock P. M.

WEDNESDAY, JULY 16, 1913.

The House met pursuant to adjournment.

Prayer by Rev. Chas. C. Jatho.

On motion of Mr. Levy, the reading of the journal of Tuesday, July 8th, was dispensed with and the same was approved.

A message from the Governor by the hand of his secretary, was received and read,, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,

ALBANY, *July 16, 1913.*

To the Legislature:

I herewith transmit to you a communication from the Commission on New Prisons, dated July 9, 1913, and a proposed law drawn in conformity with its conclusions.

Prison conditions in our State are a disgrace to civilization. As the Executive, I am mortified by the revelations. No appeal that I can present to you can exaggerate the pathos of the facts in this matter. To-day, and for many years past, this State has confined many thousands of convicts in cells seven feet long, three feet and three inches wide, and six feet seven inches in height. These cells are constructed in a rectangular cell-block of solid masonry. The only opening into these cells is through the door. The door opens upon a corridor which itself is enclosed in the prison building. In many of these masonry pockets in Sing Sing there are confined two prisoners.

In speaking of Sing Sing and Auburn prisons the Commission appointed under chapter 718 of the Laws of 1905, in its report to the Legislature, January, 1906, says:

"The night bucket system is employed in both prisons and as the cell blocks of these prisons rest directly upon the ground, without any air space underneath them, it is practically impossible to install closets without reconstructing the entire cell blocks. These night buckets add a malodorousness to an overburdened germ-laden atmosphere. They cause the storing of excreta for ten to fourteen hours in an enclosure where a human being must remain in practical contact with it during that time. In both prisons this condition is duplicated in each of the 1,200 cells. The sanitary expert does not hesitate to say that verily this is far worse than living in a sewer. The plumbing fixtures of Sing Sing prison are foul and corroded; there is no evidence that the drains are sealed against sewer gases; and they afford no resistance to any back pressure created by the water locking of the sewer outlet when it is covered by high tides. The floor openings at such times are conduits for additional vitiation to an atmosphere already polluted. The sanitary engineer reports in relation to Sing Sing cell house, that its proximity to the river, its slight elevation above high-water mark, its construction without air space beneath, the character and mass of the material used in its erection, together with

its defective ventilation, convert it into a vast refrigerator which condenses the warm and humid air, causing the moisture to be deposited on the walls, rendering the cells damp and vault-like. In the lower cells this condition is aggravated by contact with the main floor.

"Samples of air taken at an early hour in the morning at both prisons indicated that it contains an abnormal amount of carbon dioxide.

"In Sing Sing there are six tiers of cells. This causes a wide difference between the temperature in the lower and upper galleries. When the lower galleries are cold, the upper ones are abnormally warm. There is no remedy for this condition except the construction of a cell block having a lesser number of tiers."

The place thus described is not for the confinement of noxious beasts but of human beings. No fitter school could be devised for the moral, mental and physical disfigurement of the man, in which he either succumbs to painful and lingering disease and death, or survives to continue on his release the life of crime which preceded his incarceration.

I fully concur in the conclusion of the Commission on New Prisons, that immediate action is demanded both by the dignity of the State and by every feeling of humanity on the part of its people; that the longer continuance of such conditions as now exist at Sing Sing prison is intolerable; that not only is a new prison demanded to accommodate the increasing number of our criminals, but a prison of a wholly different kind and character; and that these relics of the horrors and inhumanity of the Middle Ages, in which the added ignominy of bestiality is stamped upon the face of crime, are as disgraceful to us who tolerate them, as they are degrading to those who are incarcerated in them.

I can not therefore too earnestly urge that the Commission on New Prisons be empowered to act for the amelioration of these abhorrent conditions, and by the passage of the measure which I transmit to you, be furnished with the authority and funds necessary to accomplish that purpose.

I therefore recommend this measure for your immediate consideration and I do hereby certify to the necessity of its speedy passage.

(Signed) WM. SULZER.

Which was referred to the committee on ways and means.

By unanimous consent, Mr. Levy introduced a bill entitled "An act making an appropriation for the payment for the fiscal year beginning on the first day of October, nineteen hundred and thir-

teen, of interest on the Palisades Interstate Park debt contracted under article seven, section four of the Constitution" (Int. No. 25), which was read the first time.

On motion of Mr. Levy, and by unanimous consent, said bill was read the second time and ordered to third reading and referred to the committee on ways and means.

Also, by unanimous consent, "An act making an appropriation for the payment of interest on the debt for barge canal terminals contracted or to be contracted under the provisions of article seven, section four of the Constitution" (Int. No. 26), which was read the first time.

On motion of Mr. Levy, and by unanimous consent, said bill was read the second time and ordered to third reading and referred to the committee on ways and means.

Also, by unanimous consent, "An act making an appropriation for the payment of interest on the debt for highway improvement contracted or to be contracted under article seven, section four of the Constitution, and as provided by law, for the fiscal year beginning on the first day of October, nineteen hundred and thirteen" (Int. No. 27), which was read the first time.

On motion of Mr. Levy, and by unanimous consent, said bill was read the second time and ordered to third reading and referred to the committee on ways and means.

Also, by unanimous consent, "An act making an appropriation for the payment of interest on the debt for highway improvement contracted or to be contracted under article seven, section twelve, of the Constitution, and as provided by law, for the fiscal year beginning on the first day of October, nineteen hundred and thirteen" (Int. No. 28), which was read the first time.

On motion of Mr. Levy, and by unanimous consent, said bill was read the second time and ordered to third reading and referred to the committee on ways and means.

Also, by unanimous consent, "An act making an appropriation for the payment for the fiscal year beginning on the first day of October, nineteen hundred and thirteen, of interest on the canal debt contracted or to be contracted under article seven, section four of the Constitution" (Int. No. 29), which was read the first time.

On motion of Mr. Levy, and by unanimous consent, said bill was read the second time and ordered to third reading and referred to the committee on ways and means.

Also, by unanimous consent, "An act to provide ways and means for the annual contribution to the highway improvement sinking fund" (Int. No. 30), which was read the first time.

On motion of Mr. Levy, and by unanimous consent, said bill was read the second time and ordered to third reading and referred to the committee on ways and means.

Also, by unanimous consent, "An act to authorize the commission on new prisons to select and purchase for the State of New York another site for the new State prison, to construct such prison and make appropriation therefor" (Int. No. 31), which was read the first time.

On motion of Mr. Levy, and by unanimous consent, said bill was read the second time and ordered to third reading and referred to the committee on ways and means.

Mr. Patrie, from the committee on labor and industries, to which was referred Assembly bill introduced by Mr. Jackson (No. 18, Int. No. 18), entitled "An act to amend the Labor Law, in relation to bakeries," retaining its place on the order of third reading, reported in favor of the passage of the same without amendment, which report was agreed to, and said bill ordered restored to its place on the order of third reading.

Mr. Cuvillier offered for the consideration of the House a resolution, in the words following:

Resolved, That the committee on ways and means be discharged from the further consideration of the bill (No. 16, Int. No. 16) entitled "An act to amend the Public Buildings Law, in relation to the office of State Architect, establishing a department of architecture and an art commission, and defining the jurisdiction, powers and duties thereof."

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Said bill having been announced,

Mr. Cuvillier moved to amend as follows:

Page 13, line 4. after the period insert "nor shall the provisions of this article affect the armory commissions of the State nor the

military buildings under the control of said commissions nor the provisions of chapter five hundred and fifty-eight, Laws of nineteen hundred and thirteen ”.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

On motion of Mr. Cuvillier, said bill was ordered reprinted and recommitted to said committee.

Mr. Levy moved a call of the members of the House.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

By direction of the Speaker, the Clerk called the roll, when the following members responded.

| | | | | |
|-----------|-------------|-----------|----------------|-------------|
| Adler | Dox | Hinman | McDaniels | Silverstein |
| Allen | Edwards | Hopkins | McElligott | Smith J A |
| Baumes | Eisner | Horton | McGrath | Smith M |
| Baxter | Esquirol | Hover | McKee | Squire |
| Benninger | Evans | Jones | McKeon | Sufran |
| Birnkrant | Fallon | Jude | McMahon | Sullivan |
| Bovie | Farrell | Kelly J D | Norton | Sutphin |
| Bradley | Finnigan | Kelly P J | O'Brien | Sweet |
| Brereton | Fitzgerald | Kenney | O'Connor | Tallett |
| Bryant | Fuller | Kerrigan | Oxford | Taylor F J |
| Burr | Gage | Kiernan | Patrie | Taylor T D |
| Butts | Gallup | Knight | Pembleton | Telford |
| Carroll | Garvey | Knott | Phillips | Ulrich |
| Carver | Geoghan | Lane | Pullman | Van Woert |
| Caughlan | Geyer | Larrimer | Robinson | Vert |
| Cole | Gibbs | Levy | Rozan | Walker |
| Cotillo | Gillen | Lewis | Schaap | Ward |
| Cronin | Goldberg | Macdonald | Schifferdecker | Webb |
| Cuvillier | Grace | Machold | Schwarz | Weil |
| Daley | Greenberg A | Madden | Seaker | Wood |
| Denney | Grimme | Malone | Seely J L | Yale |
| Donohue | Gurnett | McCollum | Seelye G T | Yeomans |
| Dorst | Hamilton | McCue | Shepardson | Speaker |
| Doty | Hammer | | | |

Mr. Levy moved that all further proceedings under the call of the House be suspended.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Deitz of Kings was excused on account of illness.

On motion of Mr. Hinman, Mr. Gillett of Yates and Mr. T. K. Smith of Onondaga were excused indefinitely.

On motion of Mr. Levy, the consideration of the calendar of the day was postponed until Thursday, July 17th.

On motion of Mr. Levy, the House adjourned until Thursday, July 17th, at eleven o'clock A. M.

THURSDAY, JULY 17, 1913.

The House met pursuant to adjournment.

Prayer by Rev. J. V. Moldenhauer.

On motion of Mr. Levy, the reading of the journal of yesterday was dispensed with and the same was approved.

Mr. Caughlan moved a call of the members of the House.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

By direction of the Speaker, the Clerk called the roll, when the following members responded:

| | | | | |
|-----------|-------------|-----------|----------------|-------------|
| Adler | Eisner | Horton | McCollum | Shepardson |
| Allen | Emden | Hover | McCue | Silverstein |
| Baumes | Esquirol | Hughes | McDaniels | Small |
| Baxter | Evans | Ingram | McElligott | Smith J A |
| Birnkrant | Fallon | Jackson | McGrath | Smith M |
| Bovie | Farrell | Jones | McKee | Sufrin |
| Bradley | Finnigan | Jude | McKeon | Sullivan |
| Brereton | Fitzgerald | Kane | McMahon | Sutphin |
| Bryant | Fuller | Kelly J A | Norton | Sweet |
| Burr | Gage | Kelly J J | O'Brien | Tallett |
| Butts | Gallup | Kelly J D | Oxford | Taylor F J |
| Carroll | Garvey | Kelly P J | Patrie | Taylor T D |
| Carver | Geoghan | Kenney | Pembleton | Telford |
| Caughlan | Geyer | Kerrigan | Phillips | Ulrich |
| Cole | Gibbs | Kiernan | Prime | Van Woert |
| Cotillo | Gillen | Knott | Pullman | Vert |
| Cronin | Goldberg | Lane | Richardson | Walker |
| Cuvillier | Grace | Larimer | Robinson | Ward |
| Daley | Greenberg A | Levy | Rozan | Webb |
| Dennen | Grimme | Lewis | Schaap | Weil |
| Denney | Gurnett | Macdonald | Schifferdecker | Willmott |
| Donohue | Hamilton | Machold | Schwarz | Wood |
| Dorst | Hammer | Madden | Seaker | Yale |
| Doty | Hinman | Malone | Seely J L | Yeomans |
| Dox | Hopkins | Maloney | Seelye G T | Speaker |
| Edwards | | | | |

Mr. Levy moved that the House proceed with business during the pendency of the call.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Levy, from the joint committee on the judiciary, to which was referred certain charges brought against Justice Daniel F. Cohalan of the Supreme Court presented the following report:

(See Appendix No. 26.)

Mr. Speaker stated the question to be upon agreeing to the report of said committee.

Debate was had thereon.

Mr. Levy moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker put the question whether the House would agree to said report, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 112

NOES 18

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|-----------|----------------|-------------|
| Baumes | Eisner | Jackson | McCue | Seelye G T |
| Birnkrant | Emden | Jude | McDaniels | Silverstein |
| Bovie | Esquirol | Kane | McElligott | Small |
| Brereton | Evans | Kelly J A | McGrath | Smith J A |
| Burden | Fallon | Kelly J J | McKee | Smith M |
| Burr | Farrell | Kelly J D | McKeon | Sufrin |
| Butts | Finnigan | Kelly P J | McMahon | Sutphin |
| Campbell | Fitzgerald | Kenney | Norton | Sweet |
| Carroll | Garvey | Kerrigan | O'Brien | Taylor F J |
| Carver | Geoghan | Kiernan | O'Connor | Taylor T D |
| Caughlan | Geyer | Knott | Oxford | Telford |
| Cole | Gibbs | Kornobis | Pappert | Tudor |
| Cotillo | Gillen | Lane | Patrie | Ulrich |
| Cronin | Goldberg | Larrimer | Phillips | Van Woert |
| Cuvillier | Grace | Levy | Prime | Walker |
| Daley | Greenberg A | Lewis | Pullman | Ward |
| Dennen | Grimme | Macdonald | Robinson | Weil |
| Denney | Gurnett | Machold | Rosan | Willmott |
| Donohue | Hamilton | Madden | Schaap | Wood |
| Dorst | Hammer | Malone | Schifferdecker | Yale |
| Doty | Hover | Maloney | Schwars | Yeomans |
| Dox | Hughes | McCollum | Seely J L | Speaker |
| Edwards | | | | |

Those who voted in the negative were:

| | | | | |
|---------|--------|-----------|------------|---------|
| Adler | Bryant | Hopkins | Richardson | Tallett |
| Allen | Fuller | Horton | Shepardson | Vert |
| Baxter | Gallup | Knight | Sullivan | Webb |
| Bradley | Hinman | Pemberton | | |

Mr. Levy offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That the charges preferred by the Association of the Bar of the City of New York and John A. Connolly against Daniel F. Cohalan, a justice of the Supreme Court for the First Judicial District, heretofore served upon him,

consisting of a statement of the causes alleged for the removal of the said Daniel F. Cohalan, signed by the Association of the Bar of the City of New York, through its attorneys, and based upon a certain report of the committee on grievances of the said Association, dated June 24, 1913, which was transmitted to the Legislature with a message of the Governor on the 25th day of June, 1913, be and the same hereby are dismissed; and be it further

Resolved, That no case for the removal of said justice from office has been established and that no further action be taken herein by the Legislature.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, three-fifths being present.

AYES 116

NOES 15

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|-----------|----------------|-------------|
| Baumes | Edwards | Hughes | McCollum | Seelye G T |
| Baxter | Eisner | Jackson | McCue | Silverstein |
| Birnkrant | Emden | Jones | McDaniels | Small |
| Bovie | Esquirol | Jude | McElligott | Smith J A |
| Bradley | Evans | Kane | McGrath | Smith M |
| Brereton | Fallon | Kelly J A | McKee | Sufrin |
| Burden | Farrell | Kelly J J | McKeon | Sutphin |
| Burr | Finnigan | Kelly J D | McMahon | Sweet |
| Butts | Fitzgerald | Kelly P J | Norton | Taylor F J |
| Campbell | Gallup | Kenney | O'Brien | Taylor T D |
| Carroll | Garvey | Kerrigan | O'Connor | Telford |
| Carver | Geoghan | Kiernan | Oxford | Tudor |
| Caughlan | Geyer | Knott | Pappert | Ulrich |
| Cole | Gibbs | Kornobis | Patrie | Van Woert |
| Cotillo | Gillen | Lane | Phillips | Vert |
| Cronin | Goldberg | Larrimer | Prime | Walker |
| Cuvillier | Grace | Levy | Pullman | Ward |
| Daley | Greenberg A | Lewis | Robinson | Weil |
| Dannen | Grimme | Macdonald | Rozan | Willmott |
| Deaney | Garrett | Machold | Schaap | Wood |
| Donohue | Hamilton | Madden | Schifferdecker | Yale |
| Dorst | Hammer | Malone | Schwarz | Yeomans |
| Doty | Hover | Maloney | Seely J L | Speaker |
| Dox | | | | |

Those who voted in the negative were:

| | | | | |
|--------|--------|---------|------------|----------|
| Adler | Fuller | Hopkins | Pembleton | Sullivan |
| Allen | Gage | Horton | Richardson | Tallatt |
| Bryant | Hinman | Knight | Shepardson | Webb |

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Goldberg, from the committee on the judiciary, to which was referred Senate bill introduced by Mr. Brown (No. 17, Rec. No. 1) entitled "An act to amend the Election Law, relative to members of State committees of political parties," reported in favor of the passage of the same without amendment, which report was agreed to, and said bill placed on the order of second reading.

Mr. Hinman offered for the consideration of the House a resolution, in the words following:

Resolved, That the committee on the judiciary be discharged from the further consideration of the bill (No. 7, Int. No. 7) entitled "An act to amend the Election Law, generally."

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the negative.

AYES 48

NOES 69

Those who voted in the affirmative were:

| | | | | |
|----------|----------|-----------|------------|----------|
| Adler | Fuller | Jones | Phillips | Sullivan |
| Allen | Gage | Jude | Prime | Sweet |
| Baumes | Gibbs | Knight | Richardson | Tallett |
| Baxter | Grimme | Larrimer | Schaap | Telford |
| Bovie | Gurnett | Macdonald | Seelye G T | Vert |
| Bradley | Hamilton | Machold | Shepardson | Webb |
| Brereton | Hinman | Malone | Smith J A | Willmott |
| Bryant | Hopkins | Norton | Smith M | Wood |
| Edwards | Horton | Pappert | Sufria | Yeomans |
| Eisner | Hughes | Pembleton | | |

Those who voted in the negative were:

| | | | | |
|-----------|------------|-------------|------------|----------------|
| Burden | Donohue | Gillen | Lane | Rozan |
| Burr | Dorst | Goldberg | Levy | Schifferdecker |
| Butts | Doty | Greenberg A | McCollum | Schwarz |
| Campbell | Dox | Hammer | McCue | Silverstein |
| Carroll | Emden | Jackson | McDaniels | Sma I |
| Carver | Esquirol | Kane | McElligott | Sutphin |
| Caughlan | Fallon | Kelly J J | McGrath | Taylor F J |
| Cole | Farrell | Kelly J D | McKee | Taylor T D |
| Cotillo | Fiunigan | Kelly P J | McKeon | Tudor |
| Cronin | Fitzgerald | Kenney | McMahon | Ulrich |
| Cuvillier | Gallup | Kerrigan | O'Brien | Van Woert |
| Daley | Garvey | Kiernan | O'Connor | Walker |
| Dennen | Geoghan | Knott | Oxford | Weil |
| Denney | Geyer | Kornobis | Pullman | |

On motion of Mr. Levy, the consideration of the calendar of the day was postponed until Friday, July 18th.

On motion of Mr. Levy, the House adjourned until Friday, July 18th, at ten o'clock A. M.

FRIDAY, JULY 18, 1913.

The House met pursuant to adjournment.

On motion of Mr. Cuvillier, the reading of the journal of yesterday was dispensed with and the same was approved.

Mr. Gurnett, from the committee on conservation, to which was referred Assembly bill introduced by Mr. Fallon (No. 12, Int. No. 12), entitled "An act to amend the Conservation Law, in relation to shellfish grounds," retaining its place on the order of third reading, reported in favor of the passage of the same without amendment, which report was agreed to, and said bill ordered restored to its place on the order of third reading.

On motion of Mr. Cuvillier, the consideration of the calendar of the day was postponed until Tuesday, July 22d.

On motion of Mr. Cuvillier, the House adjourned until Saturday, July 19th, at ten o'clock A. M.

SATURDAY, JULY 19, 1913.

The House met pursuant to adjournment.

Mr. Garvey in the chair.

On motion of Mr. Willmott, the reading of the journal of yesterday was dispensed with and the same was approved.

The Senate returned the concurrent resolution in relation to the charges preferred against Justice Daniel F. Cohalan of the Supreme Court, with a message that they have concurred in the passage of the same without amendment.

On motion of Mr. Willmott, the House adjourned until Tuesday, July 22d, at eleven o'clock A. M.

TUESDAY, JULY 22, 1913.

The House met pursuant to adjournment.

On motion of Mr. Schwarz, the reading of the journal of Saturday, July 19th, was dispensed with and the same was approved.

The Senate bill (No. 17, Rec. No. 1) entitled "An act to amend the Election Law, relative to members of State committees of political parties," was read the second time.

On motion of Mr. Schwarz, said bill was placed on the order of third reading.

On motion of Mr. Schwarz, the consideration of the third reading calendar was postponed until Wednesday, July 23d.

On motion of Mr. Schwarz, the House adjourned until Wednesday, July 23d, at eleven o'clock A. M.

WEDNESDAY, JULY 23, 1914.

The House met pursuant to adjournment.

On motion of Mr. Carver, the reading of the journal of yesterday was dispensed with and the same was approved.

A message from the Governor by the hand of his secretary was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,

ALBANY, July 23, 1913.

To the Legislature:

The regular session of this Legislature convened this year on January 1, 1913, and it adjourned on May 3, 1913.

Prior to the thirty-day period for the consideration of measures by the Executive, the Legislature had passed and sent to the Executive, for his consideration, 531 bills. Of these 442 were approved. A memorandum was filed with 22 of the measures. There were recalled 74 bills; and 15 were vetoed with separate veto messages.

During the thirty-day period the Executive had under consideration 701 bills. Of these 351 were approved; and 350 were vetoed, with 19 memoranda of approval and 51 memoranda of disapproval.

All told 793 bills were enacted into laws, out of a total of 1,232 bills, passed by the Legislature and submitted to me for consideration.

The financial bills passed by the Legislature, excluding sinking fund and bond interest bills, aggregated a total of \$55,108,705.25, made up as follows:

General appropriations, \$30,236,987.29.

General supply bill, \$6,916,922.60.

Special appropriations, \$17,954,795.36.

I approved \$29,825,897.29 of the general appropriation bills; \$4,178,505.73 of the general supply bill; and \$13,778,862.21 of the special appropriation bills, making a total of \$47,783,265.23.

The total of the financial items and bills which I vetoed amount to \$7,325,440.02.

During the regular session, the Legislature having failed to pass a bill for direct primaries, on May 8, 1913, I issued a proclamation convening the Legislature in extraordinary session to commence June 16, 1913.

This extraordinary session of the Legislature was called for the purpose of considering the people's bill for State-wide direct primaries. It has been in session for a few minutes now and then for a period of over a month, but has signally failed to pass a State-wide direct primary bill, containing provisions which I recommended, and which I believe should be on the statute books of our State.

Since the extraordinary session convened, I have been urged, and for reasons which seemed to me to be quite sufficient, I have recommended for the consideration of the Legislature several other measures, concerning each of which I have sent to the Legislature a bill with a special message. They relate to the following matters:

On June 18th, recommending the passage of a bill to submit to the voters of the State at the regular election in November, 1913, the question "Shall there be a convention to revise the Constitution and amend the same?"

On June 23d, recommending temporary legislation relating to maintenance contracts on the highways.

On June 23d, recommending the passage of a bill for the legal conveyance to the State, by the authorities of the city of New

York, of the title to the land, and appurtenances, of the Long Island State Hospital.

On June 24th, recommending the passage of a measure exempting from sanitary inspection seed oyster beds within the State of New York.

On June 24th, recommending the passage of a bill concerning the extension of the time when the law commonly known as the "Housing Law," being chapter 774 of the Laws of 1913, shall take effect.

On June 24th, recommending the passage of a bill providing for the direct tax for the payment of interest and principal due on the State debt.

On June 25th, recommending necessary legislation relating to the appropriation of the State of toll bridges crossing the canals.

On June 25th, recommending legislation concerning the operation of the proposed terminal railway in the Borough of Brooklyn.

On June 25th, recommending that chapter 463 of the Laws of 1913, entitled "An act to amend the Labor Law, in relation to bakeries," should not be effective against cellar bakeries until a certain time after May 9, 1913, when the law went into effect.

On June 25th, recommending necessary legislation to aid the State Architect's office in doing its important work.

On July 8th, recommending the enactment of the optional city charter bill.

On July 16th, recommending the enactment of essential legislation to relieve disgraceful prison conditions in the State of New York.

Since the convening of this extraordinary session I have sent the following appointments to the Senate for confirmation:

To be a trustee of Cornell University: John DeWitt Warner, of New York city, a former member of Congress, and a well-known lawyer. He is an alumnus of the university and peculiarly qualified for the duties of the office.

For Commissioners of the State Reservation at Niagara: Elton T. Ransom, of Ransomville, N. Y.; Abram J. Elias, of Buffalo, N. Y.; John L. Romer, of Buffalo, N. Y.; Obadiah W. Cutler, of Niagara Falls, N. Y.

These gentlemen are well-known citizens who take a deep and an abiding interest in the affairs of this Reservation.

For Public Service Commissioners, Second District: William E. Leffingwell, of Watkins, N. Y., to succeed Frank W. Stevens, resigned.

Mr. Leffingwell was formerly a conspicuous member of the Assembly. He is a successful business man of much experience and well qualified for the position.

Charles J. Chase, of Croton-on-Hudson, N. Y., to succeed Curtis B. Douglass, term expired.

Mr. Chase has been connected with the New York Central and Hudson River railroad for more than twenty years, as a locomotive engineer. He is endorsed by railroad organizations, as well as by bankers, merchants, clergymen and distinguished citizens.

For Commissioner of Labor: James M. Lynch, of Syracuse, N. Y., to succeed John Williams, resigned.

Mr. Lynch is one of the foremost labor leaders in America. He is the President of the International Typographical Union, whose membership numbers more than 50,000 enrolled printers. Representatives from the allied printing trades; various labor organizations; and many prominent citizens endorsed Mr. Lynch for this important position. It is generally admitted he is well qualified to perform its arduous duties.

For Commissioner of Prisons: James T. Murphy, of Ogdensburg, N. Y., to succeed Edgar A. Nowell, term expired.

Mr. Murphy is a well-known merchant of Ogdensburg, and takes great interest in this institution.

Rudolph F. Diedling, M. D., of Saugerties-on-Hudson, N. Y., to succeed B. Douglass, term expired.

Dr. Diedling was at one time surgeon of the Elmira Reformatory, and is very conversant with the duties of the office for which he has been selected.

For Trustee of the New York State Hospital for the Treatment of Incipient Pulmonary Tuberculosis: George L. Brown, of Elizabethtown, N. Y., to succeed Martin E. McClary, resigned.

Mr. Brown is a well-known and respected citizen of Elizabethtown; editor of a newspaper, and the present postmaster.

For Trustee of the State College of Forestry at Syracuse University: Francis Hendricks, of Syracuse, N. Y., to succeed George E. Dunham, heretofore appointed and unable to serve.

Mr. Hendricks is a highly respectable citizen of Syracuse. He was formerly State Senator; Collector of the Port of New York, and State Superintendent of Insurance.

For Hell Gate Pilot: Albert A. Fordham, of the City Island, N. Y., reappointed. Was appointed in 1912 upon the recommendation of the Board of Port Wardens.

For Fire Island State Park Commissioners: Colonel Alfred Wagstaff, of New York city, to succeed Samuel L. Parrish, who declined reappointment.

Colonel Wagstaff is too well known to need introduction. He resides on Long Island and is the clerk of the Appellate Division, Supreme Court, First Department.

James W. Eaton, of Babylon, N. Y., to succeed John H. Vail, term expired.

Mr. Eaton is a large property holder and actively interested in the development of the south shore of Long Island.

Edward Blum, of the Borough of Brooklyn, reappointed.

Mr. Blum is a prominent business man and has served continuously in this office since its organization in 1908, performing very efficient service.

These recommendations and these nominations speak for themselves; they are made in the interest of the common weal and I indulge in the hope that the Legislature will consider them on their merits, ere the adjournment of this extraordinary session.

Of course, I am aware of the inconvenience imposed upon the members of both branches of the Legislature through the necessity of their attendance at this extraordinary session, and I appreciate that the consideration of certain charges in the Cohalan case may have prevented the consideration of some of these legislative matters. However, there is no reason now why all these matters should not be speedily considered and promptly disposed of — one way or the other.

The Legislature must recognize that its continuance in session adds largely to the burdens of the taxpayers through necessary expense; and while it is proper that the pending matters should receive careful consideration, it is respectfully suggested in the interest of economy, that they be disposed of at the earliest possible time, and the Legislature then adjourn.

It is useless to deny that at the present session of the year it is extremely difficult to secure the presence of a quorum to pass legislation, but I feel confident that an announcement by the legislative leaders, strictly adhered to, that pending legislation must be promptly considered by the votes of all the members, will accomplish the desired result; and to that purpose, I respectfully urge again that the measures recommended by me receive immediate and favorable consideration.

With the view of assisting the speedy dispatch of pending legislative business, and of reducing to a minimum the necessary expense of this extraordinary session of the Legislature, I hereby announce, for the information of the members, and all others interested, that I shall recommend to this extraordinary session no further legislation.

For the reasons herein stated, I now earnestly urge the prompt consideration, by this Legislature, of pending measures and by the Senate, the early action upon the appointments I have submitted to the end that the general welfare be promoted; the con-

venience of the members conserved; and the expenses to the taxpayers, of a protracted session reduced to the minimum.

(Signed) WM. SULZER.

which was laid upon the table and ordered printed.

On motion of Mr. Carver, the House took a recess until 8:30 o'clock P. M.

EIGHT O'CLOCK AND THIRTY MINUTES P. M.

The House again convened.

Mr. Doty, from the committee on printed and engrossed bills, reported the following bills as correctly printed or engrossed:

"An act to amend the Conservation Law, in relation to shell-fish grounds." (No. 12, Int. No. 12.)

"An act to amend chapter seven hundred and eighteen of the Laws of nineteen hundred and four, entitled 'An act authorizing the selection of lands for the New York State Training School for Boys, and establishing the said school,' in relation to acquiring the interest of the State of New York in certain lands on Randall's Island in exchange for certain lands in the city of New York." (No. 10, Int. No. 10.)

"An act to amend chapter seven hundred and seventy-four of the Laws of nineteen hundred and thirteen, entitled 'An act in relation to the housing of the people in cities of the second class,' in relation to the time when the same should take effect." (No. 13, Int. No. 13.)

"An act to provide for submitting to the electors of the State at the general election in the year nineteen hundred and thirteen the question 'Shall there be a convention to revise the Constitution and amend the same?'" (No. 8, Int. No. 8.)

"An act to amend chapter one hundred and forty-seven of the Laws of nineteen hundred and three, entitled 'An act making provision for issuing bonds to the amount of not to exceed one hundred and one million dollars for the improvement of the Erie canal, the Oswego canal and the Champlain canal, and providing for a submission of the same to the people to be voted upon at the general election to be held in the year nineteen hundred

and three,' in relation to toll bridges over the barge canal." (No. 15, Int. No. 15.)

Mr. M. Smith offered for the consideration of the House a resolution, in the words following:

Resolved, That the committee on ways and means be discharged from the further consideration of the bill (No. 20, Int. No. 20) entitled "An act to provide for the construction of a bridge by the State over a portion of the Oswego river and the barge canal at Minetto, in the county of Oswego, to connect with a bridge to be built by local authorities over a portion of such river, and making an appropriation therefor."

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

On motion of Mr. M. Smith, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. M. Smith, and by unanimous consent, said bill was read the third time, having been printed and on the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 98

NOES 00

Those who voted in the affirmative were:

| | | | | |
|-----------|------------|-----------|----------------|-------------|
| Baumes | Dox | Hover | McGrath | Silverstein |
| Baxter | Edwards | Hughes | McKee | Small |
| Benninger | Emden | Ingram | McKeon | Smith M |
| Bovie | Esquirol | Jones | McMahon | Squire |
| Bradley | Fallon | Kane | Monahan | Sufrin |
| Brereton | Farrell | Kelly J J | Norton | Sutphin |
| Bryant | Finnigan | Kelly J D | O'Connor | Taylor T D |
| Burden | Fitzgerald | Kelly P J | Oxford | Telford |
| Butts | Fuller | Kerrigan | Patrie | Ulrich |
| Carroll | Gage | Kiernan | Pembleton | Van Woert |
| Carver | Gallup | Knott | Pullman | Vert |
| Cole | Geoghan | Kornobis | Robinson | Walker |
| Cotillo | Geyer | Larrimer | Rozan | Ward |
| Cronin | Gillett | Levy | Schaap | Webb |
| Daley | Grace | Lewis | Schifferdecker | Weil |
| Deitz | Grimme | Madden | Schwarz | Willard |
| Dennen | Hamilton | Malone | Seaker | Wood |
| Denney | Hammer | Maloney | Seelye G T | Yard |
| Dorst | Hinman | McCollum | Shepardson | Yeomans |
| Doty | Hopkins | McCue | | |

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Levy offered for the consideration of the House a resolution, in the words following:

Resolved, That the committee on ways and means be discharged from the further consideration of the bill (No. 15, Int. No. 15) entitled "An act to amend chapter one hundred and forty-seven of the Laws of nineteen hundred and three, entitled 'An act making provision for issuing bonds to the amount of not to exceed one hundred and one million dollars for the improvement of the Erie canal, the Oswego canal and the Champlain canal, and providing for a submission of the same to the people to be voted upon at the general election to be held in the year nineteen hundred and three,' in relation to toll bridges over the barge canal."

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

On motion of Mr. Levy, and by unanimous consent said bill was read the second time and ordered to a third reading.

On motion of Mr. Levy, and by unanimous consent, said bill was read the third time, having been printed and on the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 98

NOES 00

Those who voted in the affirmative were:

| | | | | |
|-----------|------------|-----------|-----------|-------------|
| Baumes | Dox | Hover | McGrath | Silverstein |
| Baxter | Edwards | Hughes | McKee | Small |
| Benninger | Emden | Ingram | McKeon | Smith M |
| Bovie | Esquirol | Jones | McMahon | Squire |
| Bradley | Fallon | Kane | Monahan | Sufrin |
| Brereton | Farrell | Kelly J J | Norton | Sutphin |
| Bryant | Finnigan | Kelly J D | O'Connor | Taylor T D |
| Burden | Fitzgerald | Kelly P J | Oxford | Telford |
| Butts | Fuller | Kerrigan | Patrie | Ulrich |
| Carroll | Gage | Kiernan | Pembleton | Van Woert |
| Carver | Gallup | Knott | Pullman | Vert |
| Cole | Geoghan | Kornobis | Robinson | Walker |
| Cotillo | Geyer | Larrimer | Rozan | Ward |

| | | | | |
|---------------|-----------------|-----------------|-----------------------|----------------|
| Cronin | Gillett | Levy | Schaap | Webb |
| Daley | Grace | Lewis | Schifferdecker | Weil |
| Deitz | Grimme | Madden | Schwarz | Willard |
| Dennen | Hamilton | Malone | Seaker | Wood |
| Denney | Hammer | Maloney | Seelye G T | Yard |
| Dorst | Hinman | McCollum | Shepardson | Yeomans |
| Doty | Hopkins | McCue | | |

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Levy offered for the consideration of the House a resolution, in the words following:

Resolved, That the committee on affairs of cities be discharged from the further consideration of the bill (No. 23, Int. No. 23) entitled "An act to authorize a city of the second or third class to adopt a simplified form of government."

Mr. Speaker put the question whether the House would agree to said resolution and it was determined in the affirmative.

Said bill having been announced,

Mr. Levy moved to amend as follows:

Page 1, line 5, change "51" to "52".

Page 4, line 15, after effect insert, "subject to repeal as herein-after provided upon the passing of ordinances regulating the matters therein provided for".

Page 5, line 7, make "questions" read "question".

Line 8, make "questions" read "question".

Page 10, line 17, change "forty-four" to "forty-five"; change "five" to "six".

Page 12, between line 4 and 5, insert "37. Effect upon provisions of existing law of adoption of ordinance regulating subject-matter thereof."

Line 6, change "37" to "38".

Line 7, change "38" to "39".

Line 8, change "39" to "40".

Line 9, change "40" to "41".

Line 10, change "41" to "42".

Line 11, change "42" to "43".

Line 12, change "43" to "44".

Line 14, change "44" to "45".

Line 15, change "45" to "46".

Line 16, change "46" to "47".

Line 17, change "47" to "48".

Line 18, change "48" to "49".

Line 19, change "49" to "50".

Line 20, change " 50 " to " 51 ".

Line 21, change " 51 " to " 52 ".

Line 25, change " a, b, c, d, e, or f " to "A, B, C, D, E, or F".

Page 13, after line 22, insert.

" § 37. Effect upon provisions of existing law of adoption of ordinance regulating subject-matter thereof. Until repealed as herein provided, all provisions of law regulating the exercise of the powers and the performance of the duties of officers and employees of any city shall continue in full force and effect. The council under any one of the plans of government defined in this act as plan A, B, C, D, or E, shall have power, subject to the provisions of this act, to confer by ordinance upon any officer or employee of the city any powers, or to impose upon any such officer or employee by provision of law, and such powers or duties shall thereupon be transferred accordingly; but the provisions of law regulating the exercise of such powers or the performance of such duties shall, subject to repeal as herein provided, continue in force and apply to the exercise or performance thereof by the officer or employee to whom such powers or duties are transferred. The council under any one of the plans of government defined in this as plan A, B, C, D, or E, shall subject the provisions of this act, have power to regulate by ordinance the exercise of any power and the performance of any duty by any officer or employee of the city, and upon the passing of any such ordinance every provision of any special or local law or the second class cities law, applicable to such city, regulating the matters, or any of them, provided for in such ordinance, shall cease to have any force or effect in such city. But nothing herein contained shall be deemed to authorize the repeal or superseding of any provisions of law regulating the manner in which, or the conditions subject to which, franchises may be granted, or city real estate leased or sold, or municipal indebtedness incurred in any city, except to the extent of transferring powers or duties relating thereto to officers or employees of the city; and nothing herein contained shall be deemed to authorize the appeal or superseding of any provision of law requiring any matter to be submitted to the vote of the electors or taxpayers."

Page 3, line 23, change " 37 " to " 38 ".

Page 5, change " 38 " to " 39 ".

Line 10, change " 39 " to " 40 ".

Line 14, change " 40 " to " 41 ".

Line 17, change " 41 " to " 42 ".

Page 16, line 3, change " 42 " to " 43 ".

Line 20, change " 43 " to " 44 ".

Page 17, line 4, change " 44 " to " 45 ".

Line 10, change " 45 " to " 46 ".

Line 16, change " 46 " to " 47 ".

Line 21, change " 47 " to " 48 ".

Page 18, line 10, change " 48 " to " 49 ".

Line 19, change " 49 " to " 50 ".

Page 19, line 1, change " 50 " to " 51 ".

Line 4, change " 51 " to " 52 ".

Page 21, line 23, after " except " insert " as in this act otherwise,"; strike out " those "; also strike out " for in sections forty-four and ".

Line 24, strike out " forty-five of this chapter ".

Page 30, line 13, after " law " insert " as in force when this act takes effect."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

On motion of Mr. Levy, said bill was ordered reprinted and recommitted to said committee.

The bill (No. 8, Int. No. 8) entitled "An act to provide for submitting to the electors of the State at the general election in the year nineteen hundred and thirteen the question " Shall there be a convention to revise the Constitution and amend the same? ", having been announced for a third reading,

On motion of Mr. Levy, said bill was recommitted to the committee on the judiciary, retaining its place on the order of third reading.

The bill (No. 10, Int. No. 10) entitled "An act to amend chapter seven hundred and eighteen of the Laws of nineteen hundred and four, entitled 'An act authorizing the selection of lands for the New York State Training School for Boys, and establishing the said School,' in relation to acquiring the interest of the State of New York in certain lands on Randall's Island in exchange for certain lands in the city of New York," was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 98

NOES 00

Those who voted in the affirmative were:

| | | | | |
|-----------|------------|-----------|----------------|-------------|
| Baumes | Dox | Hover | McGrath | Silverstein |
| Baxter | Edwards | Hughes | McKee | Small |
| Benninger | Emden | Ingram | McKeon | Smith M |
| Bovie | Esquirol | Jones | McMahon | Squire |
| Bradley | Fallon | Kane | Monahan | Sufrin |
| Brereton | Farrell | Kelly J J | Norton | Sutphin |
| Bryant | Finnigan | Kelly J D | O'Connor | Taylor T D |
| Burden | Fitzgerald | Kelly P J | Oxford | Telford |
| Butts | Fuller | Kerrigan | Patrie | Ulrich |
| Carroll | Gage | Kiernan | Pembleton | Van Woert |
| Carver | Gallup | Knott | Pullman | Vert |
| Cole | Geoghan | Kornobis | Robinson | Walker |
| Cotillo | Geyer | Larrimer | Rozan | Ward |
| Cronin | Gillett | Levy | Schaap | Webb |
| Daley | Grace | Lewis | Schifferdecker | Weil |
| Deits | Grimme | Madden | Schwarz | Willard |
| Dennen | Hamilton | Malone | Seaker | Wood |
| Denney | Hammer | Maloney | Seelye G T | Yard |
| Dorst | Hinman | McCollum | Shepardson | Yeomans |
| Doty | Hopkins | McCue | | |

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 13, Int. No. 13) entitled "An act to amend chapter seven hundred and seventy-four of the Laws of nineteen hundred and thirteen, entitled 'An act in relation to the housing of the people in cities of the second class,' in relation to the time when the same should take effect," having been announced for a third reading,

On motion of Mr. Hinman, said bill was ordered laid aside and stricken from the calendar.

The bill (No. 12, Int. No. 12) entitled "An act to amend the Conservation Law, in relation to shellfish grounds," was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 98

NOES 00

Those who voted in the affirmative were:

| | | | | |
|-----------|------------|-----------|----------------|-------------|
| Baumes | Dox | Hover | McGrath | Silverstein |
| Baxter | Edwards | Hughes | McKee | Small |
| Benninger | Emden | Ingram | McKeon | Smith M |
| Bovie | Esquirol | Jones | McMahon | Squire |
| Bradley | Fallon | Kane | Monahan | Sufria |
| Brereton | Farrell | Kelly J J | Norton | Sutphin |
| Bryant | Finnigan | Kelly J D | O'Connor | Taylor T D |
| Burden | Fitzgerald | Kelly P J | Oxford | Telford |
| Butts | Fuller | Kerrigan | Patrie | Ulrich |
| Carroll | Gage | Kiernan | Pembleton | Van Woert |
| Carver | Gallup | Knott | Pullman | Vert |
| Cole | Geoghan | Kornobis | Robinson | Walker |
| Cotillo | Geyer | Larrimer | Rozan | Ward |
| Cronin | Gillett | Levy | Schaap | Webb |
| Daley | Grace | Lewis | Schifferdecker | Weil |
| Deitz | Grimme | Madden | Schwarz | Willard |
| Dennen | Hamilton | Malone | Seaker | Wood |
| Denney | Hammer | Maloney | Seelye G T | Yard |
| Dorst | Hinman | McCollum | Shepardson | Yeomans |
| Doty | Hopkins | McCue | | |

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The Senate bill (No. 17, Rec. No. 1) entitled "An act to amend the Election Law, relative to members of State committees of political parties," was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 98

NOES 00

Those who voted in the affirmative were:

| | | | | |
|-----------|------------|-----------|-----------|-------------|
| Baumes | Dox | Hover | McGrath | Silverstein |
| Baxter | Edwards | Hughes | McKee | Small |
| Benninger | Emden | Ingram | McKeon | Smith M |
| Bovie | Esquirol | Jones | McMahon | Squire |
| Bradley | Fallon | Kane | Monahan | Sufria |
| Brereton | Farrell | Kelly J J | Norton | Sutphin |
| Bryant | Finnigan | Kelly J D | O'Connor | Taylor T D |
| Burden | Fitzgerald | Kelly P J | Oxford | Telford |
| Butts | Fuller | Kerrigan | Patrie | Ulrich |
| Carroll | Gage | Kiernan | Pembleton | Van Woert |
| Carver | Gallup | Knott | Pullman | Vert |
| Cole | Geoghan | Kornobis | Robinson | Walker |

| | | | | |
|---------|----------|----------|----------------|---------|
| Cotillo | Geyer | Larrimer | Rozan | Ward |
| Cronin | Gillett | Levy | Schaap | Webb |
| Daley | Grace | Lewis | Schifferdecker | Weil |
| Deitz | Grimme | Madden | Schwarz | Willard |
| Dennen | Hamilton | Malone | Seaker | Wood |
| Denney | Hammer | Maloney | Seelye G T | Yard |
| Dorst | Hinman | McCollum | Shepardson | Yeomans |
| Doty | Hopkins | McCue | | |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate sent for concurrence the following entitled bills:

"An act to amend chapter seven hundred and seventy-four of the Laws of nineteen hundred and thirteen, entitled 'An act in relation to the housing of the people in cities of the second class,' in relation to the time when the same should take effect, and making such act a chapter of the consolidated laws" (No. 22, Rec. No. 2), which was read the first time.

On motion of Mr. Levy, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. Levy, and by unanimous consent, said bill was read the third time, having been printed and on the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 98

NOES 00

Those who voted in the affirmative were:

| | | | | |
|-----------|------------|-----------|-----------|-------------|
| Baumes | Dox | Hover | McGrath | Silverstein |
| Baxter | Edwards | Hughes | McKee | Small |
| Benninger | Emden | Ingram | McKeon | Smith M |
| Bovie | Esquirol | Jones | McMahon | Squire |
| Bradley | Fallon | Kane | Monahan | Sufrin |
| Brereton | Farrell | Kelly J J | Norton | Sutphin |
| Bryant | Finnigan | Kelly J D | O'Connor | Taylor T D |
| Burden | Fitzgerald | Kelly P J | Oxford | Telford |
| Butts | Fuller | Kerrigan | Patrie | Ulrich |
| Carroll | Gage | Kiernan | Pembleton | Van Woert |
| Carver | Gallup | Knott | Pullman | Vert |
| Cole | Geoghan | Kornobis | Robinson | Walker |
| Cotillo | Geyer | Larrimer | Rozan | Ward |
| Cronin | Gillett | Levy | Schaap | Webb |

| | | | | |
|--------|----------|----------|----------------|---------|
| Daley | Grace | Lewis | Schifferdecker | Weil |
| Deits | Grimme | Madden | Schwarz | Willard |
| Dennen | Hamilton | Malone | Seaker | Wood |
| Denney | Hammer | Maloney | Seelye G T | Yard |
| Dorst | Hinman | McCollum | Shepardson | Yeomans |
| Doty | Hopkins | McCue | | |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

"An act to amend the Housing Law for Second Class Cities, in relation to the time when said law shall take effect" (No. 31, Rec. No. 3), which was read the first time.

On motion of Mr. Levy, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. Levy, and by unanimous consent, said bill was read the third time, having been printed and on the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 98

NOES 00

Those who voted in the affirmative were:

| | | | | |
|-----------|------------|-----------|----------------|-------------|
| Baumes | Dox | Hover | McGrath | Silverstein |
| Baxter | Edwards | Hughes | McKee | Small |
| Benninger | Emden | Ingram | McKeon | Smith M |
| Bovie | Esquirol | Jones | McMahon | Squire |
| Bradley | Fallon | Kane | Monahan | Sufrin |
| Brereton | Farrell | Kelly J J | Norton | Sutphin |
| Bryant | Finnigan | Kelly J D | O'Connor | Taylor T D |
| Burden | Fitzgerald | Kelly P J | Oxford | Telford |
| Butts | Fuller | Kerrigan | Patrie | Ulrich |
| Carroll | Gage | Kiernan | Pembleton | Van Woert |
| Carver | Gallup | Knott | Pullman | Vert |
| Cole | Geoghan | Kornobis | Robinson | Walker |
| Cotillo | Geyer | Larrimer | Rozan | Ward |
| Cronin | Gillett | Levy | Schaap | Webb |
| Daley | Grace | Lewis | Schifferdecker | Weil |
| Deitz | Grimme | Madden | Schwarz | Willard |
| Dennen | Hamilton | Malone | Seaker | Wood |
| Denney | Hammer | Maloney | Seelye G T | Yard |
| Dorst | Hinman | McCollum | Shepardson | Yeomans |
| Doty | Hopkins | McCue | | |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

"An act to amend the Labor Law, in relation to bakeries" (No. 24, Rec. No. 4), which was read the first time.

On motion of Mr. Levy, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. Levy, and by unanimous consent, said bill was read the third time, having been printed and on the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 98

NOES 00

Those who voted in the affirmative were:

| | | | | |
|-----------|------------|-----------|----------------|-------------|
| Baumes | Dox | Hover | McGrath | Silverstein |
| Baxter | Edwards | Hughes | McKee | Small |
| Benninger | Emden | Ingram | McKeon | Smith M |
| Bovie | Esquirol | Jones | McMahon | Squire |
| Bradley | Fallon | Kane | Monahan | Sufrin |
| Brereton | Farrell | Kelly J J | Norton | Sutphin |
| Bryant | Finnigan | Kelly J D | O'Connor | Taylor T D |
| Burden | Fitzgerald | Kelly P J | Oxford | Telford |
| Butts | Fuller | Kerrigan | Patrie | Ulrich |
| Carroll | Gage | Kiernan | Pembleton | Van Woert |
| Carver | Gallup | Knott | Pullman | Vert |
| Cole | Geoghan | Kornobis | Robinson | Walker |
| Cotillo | Geyer | Larrimer | Rozan | Ward |
| Cronin | Gillett | Levy | Schaap | Webb |
| Daley | Grace | Lewis | Schifferdecker | Weil |
| Deitz | Grimme | Madden | Schwarz | Willard |
| Dennen | Hamilton | Malone | Seaker | Wood |
| Denney | Hammer | Maloney | Seelye G T | Yard |
| Dorst | Hinman | McCollum | Shepardson | Yeomans |
| Doty | Hopkins | McCue | | |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

"An act to amend the Housing Law for Second Class Cities, in relation to side yards and time of taking effect" (No. 30, Rec. No. 5), which was read the first time.

On motion of Mr. Levy, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. Levy, and by unanimous consent, said bill

was read the third time, having been printed and on the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 98

NOES 00

Those who voted in the affirmative were:

| | | | | |
|-----------|------------|-----------|----------------|-------------|
| Baumes | Dox | Hover | McGrath | Silverstein |
| Baxter | Edwards | Hughes | McKee | Small |
| Benninger | Emden | Ingram | McKeon | Smith M |
| Bovie | Esquirol | Jones | McMahon | Squire |
| Bradley | Fallon | Kane | Monahan | Sufrin |
| Brereton | Farrell | Kelly J J | Norton | Sutphin |
| Bryant | Finnigan | Kelly J D | O'Connor | Taylor T D |
| Burden | Fitzgerald | Kelly P J | Oxford | Telford |
| Butts | Fuller | Kerrigan | Patrie | Ulrich |
| Carroll | Gage | Kiernan | Pembleton | Van Woert |
| Carver | Gallup | Knott | Pullman | Vert |
| Cole | Geoghan | Kornobis | Robinson | Walker |
| Cotillo | Geyer | Larrimer | Rozan | Ward |
| Cronin | Gillett | Levy | Schaap | Webb |
| Daley | Grace | Lewis | Schifferdecker | Weil |
| Deitz | Grimme | Madden | Schwarz | Willard |
| Dennen | Hamilton | Malone | Seaker | Wood |
| Denney | Hammer | Maloney | Sealye G T | Yard |
| Dorst | Hinman | McCollum | Shepardson | Yeomans |
| Doty | Hopkins | McCue | | |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Yard, from the joint legislative investigating committee, presented the following preliminary report:

To the Senate and Assembly of the State of New York:

On the 2d day of May, 1913, the following joint resolution was adopted in the Senate and Assembly:

"Resolved (if the Assembly concur), That a joint committee of the Assembly and the Senate be appointed, of which the chairman of the Senate finance committee shall be the chairman, consisting of three members of the Senate other than said chairman, to be appointed by the President of the Senate, and three members of the Assembly to be appointed by the Speaker of the Assembly, to examine into the methods of financial administration and conduct of all institutions, societies or associations of the State, which

are supported either wholly or in part by State moneys, or which report officially to the State into the functions of any or all State departments concerned in the management, supervision or regulation of any of such departments, the methods of making purchases, fixing salaries, awarding contracts for supplies, buildings, repairs and improvements, the sale of manufactured articles, and the conduct generally of the business of all such institutions and departments, for the purpose of reporting to the next session of the Legislature such laws relating thereto as the committee may deem proper.

"Resolved, That said committee is authorized to sit after the adjournment of the Legislature in and outside the city of Albany, and is hereby authorized and empowered to subpoena and enforce the attendance of witnesses including public officers and public employees, and to require the production of books and papers, including any public record or document pertaining to the administration of any State institution or of any State department concerned in the management, regulation, visitation or supervision of the same, to administer oaths, to employ a secretary, counsel, and stenographer, an expert accountant and such other employees as may be necessary for the purpose of the investigation and the actual and necessary expenses of the committee in carrying out the provisions of this resolution, shall be paid from the funds appropriated for the contingent expenses of the Legislature by the Treasurer on the warrant of the Comptroller upon the certificate of the chairman of the committee."

Thereafter and on or about the 3d day of May, 1913, the following committee was appointed to carry out the purposes of the said resolution: Messrs. LaVerne P. Butts, Wilson R. Yard, Myron Smith, James J. Frawley, Chairman, Felix J. Sanner, Elon R. Brown, Samuel J. Ramsperger.

Thereafter and on or about the 25th day of June, 1913, the following joint resolution was adopted by the Senate and the Assembly.

"Whereas, It has been alleged in the press of the State that unlawful or improper methods have been used or pursued by private persons or public officers and wrongful acts done to influence the votes of legislators on election or primary legislation; and

"Whereas, There has been submitted to the present extraordinary session of the Legislature of the State of New York a proposed act providing among other things for the punishment of any person who while a candidate for an elective office to be voted for by the electors of the whole State shall fail to make true returns of

moneys or things of value, directly or indirectly received, or expended in aid of such candidacy, or who shall receive or expend more than a certain sum stated in said act; now, therefore, be it

“Resolved (if the Assembly concur), That for the information of the Legislature, the whole subject of any unlawful or improper methods or wrongful or unlawful acts aforesaid and of receipts and expenditures of candidates for an elective office to be filled by the votes of the electors of the whole State be referred to a certain joint legislative committee of the Senate and Assembly to examine into the methods of financial administration and conduct of all institutions, societies or associations of the State, etc., heretofore appointed under joint resolution, dated the 2d day of May, 1913, to ascertain and report to the Legislature at this extraordinary session, or, if not ready, as soon thereafter as possible, whether any unlawful or improper methods have been employed, used or pursued or wrongful or unlawful acts done by any private person or public officer to influence the votes of legislators on election or primary legislation at the last regular or the present extraordinary session of the Legislature; and further to investigate into, ascertain and report upon all expenditures made by any candidate voted for at the last preceding election by the electors of the whole State, and upon all statements filed by or on behalf of any such candidate for moneys or things of value received or paid out in aid of his election and their compliance with the present requirements of law relating thereto.”

“Said committee to have the power to subpoena witnesses on these subjects the same as provided in the resolution of May second above referred to.”

In accordance with the duties devolving on your committee under the terms of the said resolutions, it duly organized and appointed a counsel and a secretary. Thereafter your committee proceeded with an investigation of the matters and subjects required by said resolutions, holding public hearings in the city of Albany, examining witnesses under oath, and endeavoring with all speed to discharge the duties devolving on it.

We further report that many important matters have been brought to the attention of your committee, which so far it has been impossible to investigate thoroughly, and considerable further time will be necessary for such further investigation, and in the examination of witnesses and in hearings, in order that we may report thereon with such conclusions and recommendations as may be deemed advisable.

It is the opinion of your committee that it may be several weeks before your committee can complete such further investigations, hearings, taking of testimony, and make its report; and your committee desires to make such report, if possible, during the present extraordinary session of the Legislature before final adjournment thereof, in order that both the Senate and Assembly may promptly take such action thereon as the facts and evidence warrant.

For this reason the joint legislative investigating committee advises that no adjournment of the present extraordinary session of the Legislature should be had until your committee has had a reasonable opportunity to complete its work and file its report; and, therefore, recommends and requests that both the Senate and the Assembly do not adjourn, but take a recess for a reasonable time so that, at the end of such recess when your committee is ready to report, the joint houses of the Legislature will be able to take such official action as may be advisable at the present extraordinary session.

Respectfully submitted,

JAMES J. FRAWLEY,

Chairman of the Joint Legislative Investigating Committee.

which was laid upon the table and ordered printed.

Mr. Levy offered for the consideration of the House a resolution, in the words following:

Resolved, That the term of office of each officer and employee of the Assembly now certified, other than elective officers and employees, terminate on the 23d day of July, 1913, and that the Clerk be authorized to appoint, during the recess or recesses and the adjourned session or sessions, such employees as may be required for the conduct of the business of the House, for such periods of time and at such compensation as he may determine, to be paid out of the moneys appropriated for the payment of the salaries and compensation of officers and employees of the Legislature upon the certificate of the Clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 98

NOES 00

Those who voted in the affirmative were:

| | | | | |
|-----------|------------|-----------|----------------|-------------|
| Baumes | Dox | Hover | McGrath | Silverstein |
| Baxter | Edwards | Hughes | McKee | Small |
| Benninger | Emden | Ingram | McKeon | Smith M |
| Bovie | Esquirol | Jones | McMahon | Squire |
| Bradley | Fallon | Kane | Monahan | Sufrin |
| Brereton | Farrell | Kelly J J | Norton | Sutphin |
| Bryant | Finnigan | Kelly J D | O'Connor | Taylor T D |
| Burden | Fitzgerald | Kelly P J | Oxford | Telford |
| Butts | Fuller | Kerrigan | Patrie | Ulrich |
| Carroll | Gage | Kiernan | Pembleton | Van Woert |
| Carver | Gallup | Knott | Pullman | Vert |
| Cole | Geoghan | Kornobis | Robinson | Walker |
| Cotillo | Geyer | Larrimer | Rosan | Ward |
| Cronin | Gillett | Levy | Schaap | Webb |
| Daley | Grace | Lewis | Schifferdecker | Weil |
| Deitz | Grimme | Madden | Schwarz | Willard |
| Dennan | Hamilton | Malone | Seaker | Wood |
| Denney | Hammer | Maloney | Seelye G T | Yard |
| Dorst | Hinman | McCollum | Shepardson | Yeomans |
| Doty | Hopkins | McCue | | |

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *July 23, 1913.*

Whereas, The legislative committee heretofore appointed to examine into the methods of the financial administration and conduct of State institutions, and other matters, has presented a report requesting further time in which to continue its investigations and to frame and make its report; and,

Whereas, There is now pending before this Legislature certain bills relating to the selection of a prison site and other proposed legislation which demand the further consideration of the committees to which said legislation was respectively referred; and,

Whereas, It is the sense of this Senate that such further time for such purpose is required.

Resolved (if the Assembly concur), That when the Legislature adjourns this day it be to meet again on Monday, August 11, 1913, at 8.30 o'clock P. M.

By order of the Senate,
PATRICK E. McCABE,
Clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate returned the bill (No. 10, Int. No. 10) entitled "An act to amend chapter seven hundred and eighteen of the Laws of nineteen hundred and four, entitled 'An act authorizing the selection of lands for the New York State Training School for Boys, and establishing the said school,' in relation to acquiring the interest of the State of New York in certain lands in the city of New York."

Also, the bill (No. 12, Int. No. 12) entitled "An act to amend the Conservation Law, in relation to shellfish grounds."

Also, the bill (No. 15, Int. No. 15) entitled "An act to amend chapter one hundred and forty-seven of the Laws of nineteen hundred and three, entitled 'An act making provision for issuing bonds to the amount of not to exceed one hundred and one million dollars for the improvement of the Erie canal, the Oswego canal and the Champlain canal, and providing for a submission of the same to the people to be voted upon at the general election to be held in the year nineteen hundred and three,' in relation to toll bridges over the barge canal," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk deliver said bill to the Governor.

On motion of Mr. Levy, the message of the Governor of this date was taken from the table and referred to the committee on the judiciary.

Pursuant to concurrent resolution, Mr. Speaker declared the House adjourned until Monday, August 11th, at 8:30 o'clock p. m.

MONDAY, AUGUST 11, 1913.

The House met pursuant to adjournment.

Prayer by Rev. Chas. C. Jatho.

Mr. Levy moved that the reading of the journal of Wednesday, July 23d, be dispensed with and that the same be approved.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Bovie: I rise to a question of personal privilege. I understand that the journal of the proceedings of the 23d shows that certain members were present and voted upon certain propositions who were not in fact present and did not in fact vote upon these propositions. I have in my hand the names of a number of the members who in writing have said that their names were so recorded and they were not present. If this Assembly in the face of these known facts wishes to have this record of which it is the sole judge stand as the correct record of that meeting when it is not the correct record, then I have nothing to say; but I desire to have that record read so that I may know whether my own name is correctly registered there. I wish to have that corrected so far as I am personally concerned.

Mr. Speaker: The Chair at this time can only instruct the Clerk to incorporate the remarks of the gentleman from Westchester in the minutes of this evening's proceedings as the minutes of the last meeting are already approved.

Mr. Hinman moved to reconsider the vote by which the reading of the journal of Wednesday, July 23d, was dispensed with and the same approved.

Debate was had thereon.

Mr. Levy moved the previous question.

Mr. Speaker put the question "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Hinman, and it was determined in the negative.

AYES 30

NOES 66

Those who voted in the affirmative were:

| | | | | |
|---------|--------|---------|------------|------------|
| Baxter | Gage | Gurnett | Norton | Shepardson |
| Bovie | Gallup | Hinman | Schaap | Smith T K |
| Bradley | Geyer | Hover | Schnirel | Squire |
| Carroll | Gibbs | Hughes | Seaker | Taylor T D |
| Eisner | Grace | Magee | Seely J L | Telford |
| Fuller | Grimme | Malone | Seelye G T | Wood |

Those who voted in the negative were:

| | | | | |
|-----------|-------------|-----------|------------|----------------|
| Benninger | Dorst | Jackson | McCollum | Schifferdecker |
| Burden | Dox | Kelly J A | McCue | Silverstein |
| Burr | Esquirol | Kelly J J | McDaniels | Small |
| Campbell | Fallon | Kelly J D | McElligott | Sutphin |
| Carver | Farrell | Kelly P J | McGrath | Taylor F J |
| Caughlan | Finnigan | Kenney | McKee | Tudor |
| Cole | Fitzgerald | Kerrigan | McKeon | Ulrich |
| Cotillo | Gathright | Kiernan | McMahon | Van Woert |
| Cronin | Geoghan | Lane | Monahan | Walker |
| Cuvillier | Gillen | Larrimer | Patrie | Ward |
| Daley | Goldberg | Levy | Pullman | Weil |
| Dennen | Greenberg A | Madden | Robinson | Yard |
| Denney | Hammer | Maloney | Rozan | Speaker |
| Donohue | | | | |

Mr. Yard, from the joint legislative investigating committee, presented the following report:

(See Appendix No. 27.)

which was read.

Mr. Speaker stated the question to be upon the adoption of said report.

Mr. Hinman moved that said report be received and placed on file.

Debate was had thereon, when Mr. Levy moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Hinman, and it was determined in the negative.

AYES 31

NOES 70

Those who voted in the affirmative were:

| | | | | |
|---------|-----------|---------|-----------|------------|
| Baxter | Gage | Grimme | Malone | Seelye G T |
| Bovie | Gallup | Gurnett | Norton | Shepardson |
| Bradley | Gathright | Hinman | Schaap | Smith T K |
| Dox | Geyer | Hover | Schnirel | Squire |
| Edwards | Gibbs | Hughes | Seaker | Taylor T D |
| Eisner | Grace | Magee | Seely J L | Wood |
| Fuller | | | | |

Those who voted in the negative were:

| | | | | |
|-----------|----------|-----------|------------|------------|
| Benninger | Denney | Kelly J A | McCue | Small |
| Burden | Donohue | Kelly J J | McDaniels | Smith M |
| Burr | Dorst | Kelly J D | McElligott | Sutphin |
| Butts | Esquirol | Kelly P J | McGrath | Telford |
| Campbell | Fallon | Kenney | McKee | Taylor F J |

| | | | | |
|-----------|-------------|----------|----------------|-----------|
| Carroll | Farrell | Kerrigan | McKeon | Tudor |
| Carver | Finnigan | Kiernan | McMahon | Ulrich |
| Caughlan | Fitzgerald | Lane | Monahan | Van Woert |
| Cole | Geoghan | Larrimer | Patrie | Walker |
| Cotillo | Gillen | Levy | Pullman | Ward |
| Cronin | Goldberg | Lewis | Robinson | Weil |
| Cuvillier | Greenberg A | Madden | Rozan | Yale |
| Daley | Hammer | Maloney | Schifferdecker | Yard |
| Dennen | Jackson | McCollum | Silverstein | Speaker |

Mr. Levy moved a call of the members of the House.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

By direction of the Speaker, the Clerk called the roll, when the following members responded :

| | | | | |
|-----------|-------------|-----------|----------------|-------------|
| Baxter | Eisner | Hamilton | Maloney | Shepardson |
| Benninger | Emden | Hammer | McCollum | Silverstein |
| Bovie | Esquirol | Hinman | McCue | Small |
| Burden | Fallon | Hover | McDaniels | Smith M |
| Burr | Farrell | Hughes | McElligott | Smith T K |
| Butts | Finnigan | Ingram | McGrath | Squire |
| Campbell | Fitzgerald | Jackson | McKee | Sutphin |
| Carroll | Fuller | Kelly J A | McKeon | Taylor F J |
| Carver | Gage | Kelly J J | McMahon | Taylor T D |
| Caughlan | Gallup | Kelly J D | Monahan | Telford |
| Cole | Gathright | Kelly P J | Norton | Tudor |
| Cotillo | Geoghan | Kenney | Patrie | Ulrich |
| Cronin | Geyer | Kerrigan | Pullman | Van Woert |
| Cuvillier | Gibbs | Kiernan | Robinson | Walker |
| Daley | Gillen | Lane | Rozan | Ward |
| Dennen | Gillett | Larrimer | Schaap | Weil |
| Denney | Goldberg | Levy | Schifferdecker | Wood |
| Donohue | Grace | Lewis | Schnirel | Yale |
| Dorst | Greenberg A | Madden | Seaker | Yard |
| Dox | Grimme | Magee | Seely J L | Speaker |
| Edwards | Gurnett | Malone | Seelye G T | |

Mr. Levy moved that the House proceed with business during the pendency of the call.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker put the question whether the House would agree to the adoption of said report, and it was determined in the affirmative.

AYES 65

NOES 35

Those who voted in the affirmative were:

| | | | | |
|----------|------------|-----------|------------|-------------|
| Burr | Dorst | Kelly J J | McDaniels | Silverstein |
| Butts | Esquirol | Kelly J D | McElligott | Small |
| Campbell | Fallon | Kelly P J | McGrath | Smith M |
| Carroll | Farrell | Kenney | McKee | Taylor F J |
| Carver | Finnigan | Kerrigan | McKeon | Tudor |
| Caughlan | Fitzgerald | Kiernan | McMahon | Ulrich |

| | | | | |
|-----------|-------------|----------|----------------|-----------|
| Cotillo | Geoghan | Lane | Menahan | Van Woert |
| Cronin | Gillen | Larrimer | Patrie | Walker |
| Cuvillier | Goldberg | Levy | Pullman | Ward |
| Daley | Greenberg A | Lewis | Robinson | Weil |
| Dennan | Hammer | Madden | Ronan | Yale |
| Dennay | Jackson | Maloney | Schifferdecker | Yard |
| Donohue | Kelly J A | McCue | Schnirel | Speaker |

Those who voted in the negative were:

| | | | | |
|-----------|-----------|---------|------------|------------|
| Baxter | Edwards | Gibbs | Magee | Shepardson |
| Benninger | Eisner | Grace | Malone | Smith T K |
| Bovie | Fuller | Grimme | Norton | Squire |
| Bradley | Gage | Gurnett | Schaap | Sutphin |
| Burden | Gallup | Hinman | Seaker | Taylor T D |
| Cole | Gathright | Hover | Seely J L | Telford |
| Dox | Geyer | Hughes | Seelye G T | Wood |

Mr. Levy offered for the consideration of the House a resolution, in the words following:

Whereas, The joint legislative investigating committee has filed a report in the Assembly on the 11th day of August, 1913, together with testimony annexed thereto, showing or tending to show that William Sulzer, Governor of the State of New York, made a false and fraudulent report to the Secretary of State, under his oath, as required by law, that the total contributions in aid of his campaign as candidate for the office of Governor were \$5,460 and no more; and,

Whereas, In truth and in fact the amount was greatly in excess of said sum to the personal knowledge of said Sulzer; and such report further showing or tending to show, that he converted to his own private use, contributions given in aid of his said election for the purchase of securities or other private uses; that he engaged in stock market speculations at a time when he was Governor and vigorously pressing legislation against the New York Stock Exchange which would affect the business of and prices on the Exchange; that he used the power of his office as Governor to suppress and withhold the truth, to prevent the production of evidence in relation to the investigation of campaign contributions and violations of law in respect thereto, by ordering and directing witnesses some of whom were employes of the State to act in contempt of the joint legislative investigating committee, and that further he used his office as Governor in rewarding or attempting to reward such witness or witnesses by securing or influencing their appointment or promotion in the State government; that as Governor, the said William Sulzer has punished legislators who disagreed or differed with him in legislation enacted in the public interest and public welfare, and has traded executive approval of

bills for support of his direct primary and other measures in which he was personally interested; that as Governor, he wilfully and corruptly made false public statements advising and directing citizens to suppress evidence in reference to his unlawful use of contributions made to him for campaign purposes; and,

Whereas, He has otherwise corruptly and unlawfully acted or omitted to act; therefore, be it

Resolved, That William Sulzer, Governor of the State of New York, be and hereby is impeached for wilful and corrupt conduct in office, and high crimes and misdemeanors.

Mr. Levy moved that the consideration of said resolution be set down for Tuesday, August 12th.

Mr. Hinman moved to amend by striking out "August 12th" and inserting "August 18th".

Debate was had thereon, when Mr. Levy moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Hinman, and it was determined in the negative.

AYES 39

NOES 62

Those who voted in the affirmative were:

| | | | | |
|-----------|-----------|---------|------------|------------|
| Baxter | Edwards | Grace | Malone | Seelye G T |
| Benninger | Eisner | Grimme | McDaniels | Shepardson |
| Bovie | Fuller | Gurnett | McElligott | Squire |
| Bradley | Gage | Hinman | Norton | Sutphin |
| Burden | Gallup | Hover | Schaap | Taylor T D |
| Carroll | Gathright | Hughes | Schnirel | Telford |
| Cole | Geyer | Kenn y | Seaker | Wood |
| Dox | Gibbs | Magee | Seely J L | |

Those who voted in the negative were:

| | | | | |
|-----------|-------------|-----------|----------------|------------|
| Burr | Esquirol | Kelly J D | McGrath | Smith M |
| Butts | Fallon | Kelly P J | McKee | Smith T K |
| Campbell | Farrell | Kerrigan | McKeon | Taylor F J |
| Carver | Finnigan | Kiernan | McMahon | Tudor |
| Caughlan | Fitzgerald | Lane | Monahan | Ulrich |
| Cotillo | Geoghan | Larrimer | Patrie | Van Woert |
| Cronin | Gillen | Levy | Pullman | Walker |
| Cuvillier | Goldberg | Lewis | Robinson | Ward |
| Dalcy | Greenberg A | Madden | Rozan | Weil |
| Dennen | Hammer | Maloney | Schifferdecker | Yale |
| Denn y | Jackson | McCollum | Silverstein | Yard |
| Donahue | Kelly J A | McCue | Small | Speaker |
| Dorst | Kelly J J | | | |

Mr. Speaker put the question whether the House would agree to said motion of Mr. Levy, and it was determined in the affirmative.

AYES 64

NOES 30

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|-----------|----------------|------------|
| Benninger | Donohue | Kelly J A | McDaniels | Small |
| Burr | Dorst | Kelly J J | McElligott | Smith T K |
| Butts | Esquirel | Kelly J D | McGrath | Taylor F J |
| Campbell | Fallon | Kelly P J | McKee | Tudor |
| Carver | Farrell | Kerrigan | McKeon | Ulrich |
| Caughlan | Finnigan | Kiernan | McMahon | Van Woert |
| Cole | Fitzgerald | Larrimer | Monahan | Walker |
| Cotillo | Geoghan | Levy | Patrie | Ward |
| Cronin | Gillen | Lewis | Pullman | Weil |
| Cuvillier | Goldberg | Madden | Robinson | Yale |
| Daley | Greenberg A | Maloney | Rozan | Yard |
| Dennen | Hammer | McCollum | Schifferdecker | Speaker |
| Denney | Jackson | McCue | Silverstein | |

Those who voted in the negative were:

| | | | | |
|---------|-----------|--------|------------|------------|
| Baxter | Fuller | Grace | Malone | Shepardson |
| Bovie | Gage | Hinman | Norton | Squire |
| Carroll | Gallup | Hover | Schnirel | Sutphin |
| Dox | Gathright | Hughes | Seaker | Taylor T D |
| Edwards | Geyer | Kenney | Seely J L | Telford |
| Eisner | Gibbs | Magee | Seelye G T | Wood |

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,

ALBANY, August 5, 1913.

To the Assembly:

I return herewith, without my approval, Assembly bill (Int. No. 15. Printed No. 15, extraordinary session) entitled "An act to amend chapter one hundred and forty-seven of the Laws of nineteen hundred and three, entitled 'An act making provision for issuing bonds to the amount of not to exceed one hundred and one million dollars for the improvement of the Erie canal, the Oswego canal and the Champlain canal, and providing for a submission of the same to the people to be voted upon at the general election to be held in the year nineteen hundred and three,' in relation to toll bridges over the barge canal."

Under the facts concerning the passage of this bill, as disclosed by the official journals of the Senate and the Assembly, I

feel convinced that I am without jurisdiction, as Executive, to pass upon the merits of this measure.

The official journal of the Senate, with which I have been furnished a certified copy, shows that but twenty-eight Senators were present when the vote was taken on this bill.

I am clearly of the opinion that this bill is one of those which, pursuant to section 25, article III of the Constitution requires a quorum of the Senate or Assembly shall consist of not less than three-fifths of all the members elected thereto.

From the official journal of the Senate it affirmatively appears that there was less than three-fifths of the members elected to the Senate present when the vote was taken. It follows that the bill was not passed in conformity with the Constitution and, without at this time considering the merits of the bill, I believe that the existing circumstances require that it should not receive Executive approval.

I disapprove the bill.

WM. SULZER.

On motion of Mr. Levy, said message together with said bill was ordered laid upon the table.

On motion of Mr. Levy, the House adjourned until Tuesday, August 12th, at 11 o'clock A. M.

TUESDAY, AUGUST 12, 1913.

The House met pursuant to adjournment.

Prayer by Rev. J. V. Moldenhauer.

On motion of Mr. Levy, the reading of the journal of yesterday was dispensed with and the same was approved.

On motion of Mr. Levy, the House took a recess until 8:30 o'clock P. M.

EIGHT O'CLOCK AND THIRTY MINUTES P. M.

The House again convened.

Mr. Levy moved a call of the members of the House.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

By direction of the Speaker, the Clerk called the roll, when the following members responded:

| | | | | |
|-----------|-------------|--------------------|----------------|-----------------------|
| Baumes | Doty | Hamilton | McCue | Shepardson |
| Baxter | Dox | Hanamer | McDaniels | Silverstein |
| Benninger | Edwards | Heyman | McElligott | Small |
| Binkrant | Eisner | Hinman | McGrath | Smith M |
| Bovie | Emden | Hover | McKee | Smith T K |
| Bradley | Esquirol | Hughes | McKeon | Squire |
| Bryant | Evans | Jackson | McMahon | Sufrin |
| Burden | Fallon | Kane | Monahan | Sutphin |
| Burr | Farrell | Kelly J A | Norton | Tallett |
| Bush | Finnigan | Kelly J J | O'Brien | Taylor F J |
| Butts | Fitzgerald | Kelly J D | O'Connor | Taylor T D |
| Campbell | Fuller | Kelly P J | Oxford | Telford |
| Carroll | Gage | Kenney | Patrie | Tudor |
| Carver | Gallup | Kerrigan | Prime | Ulrich |
| Caughlan | Garvey | Kiernan | Pullman | Van Woert |
| Cole | Gathright | Knott | Robinson | Walker |
| Cotillo | Geoghan | Lane | Rozan | Ward |
| Cronin | Geyer | Larrimer | Schaap | Webb |
| Cuvillier | Gibbs | Levy | Schifferdecker | Weil |
| Daley | Gillen | Lewis | Schnirel | Willard |
| Deits | Goldberg | Madden | Schwarz | Wood |
| Dennen | Grace | Magee | Seaker | Yale |
| Denney | Greenberg A | Malone | Seely J L | Yard |
| Donohue | Grimme | Maloney | Seelye G T | Speaker |
| Dorst | Gurnett | McCollum | | |

Mr. Levy moved that the House proceed with business during the pendency of the call.

Mr. Speaker put the question whether the House would agree to said motion and it was determined in the affirmative.

Mr. Speaker stated the question to be upon the adoption of the resolution impeaching William Sulzer, Governor of the State of New York, introduced by Mr. Levy August 11th, consideration of which was set down for this day.

Debate was then had.

Mr. Jackson in the chair.

Debate was continued.

Mr. Speaker in the chair.

Debate was continued.

Mr. Hinman moved that further consideration of said resolution be postponed until Wednesday, August 13th.

Mr. Speaker put the question whether the House would agree to said motion to postpone, and it was determined in the negative.

Mr. Hinman moved to reconsider the vote by which said motion to postpone further consideration was lost.

Mr. Speaker put the question whether the House would agree to said motion to reconsider said vote, and it was determined in the negative.

AYES 49

NOES 74

Those who voted in the affirmative were:

| | | | | |
|-----------|-----------|---------|------------|------------|
| Baumes | Dox | Gibbs | McDaniels | Squire |
| Baxter | Edwards | Grace | Norton | Sufrin |
| Benninger | Eisner | Grimme | Prime | Sutphin |
| Birnkrant | Emden | Gurnett | Schaap | Tallett |
| Bovie | Evans | Hinman | Schwarz | Taylor T D |
| Bradley | Fuller | Hover | Seaker | Telford |
| Bryant | Gage | Hughes | Seely J L | Webb |
| Burden | Gallup | Kenney | Seelye G T | Willard |
| Bush | Gathright | Magee | Shepardson | Wood |
| Doty | Geyer | Malone | Smith T K | |

Those who voted in the negative were:

| | | | | |
|-----------|-------------|-------------|----------------|-------------|
| Burr | Dorst | Kane | McCue | Schnirel |
| Butts | Esquirol | Kelly J A | McElligott | Silverstein |
| Campbell | Fallon | Kelly J J | McGrath | Small |
| Carroll | Farrell | Kelly J D | McKee | Smith M |
| Carver | Finnigan | Kelly P. J. | McKeon | Taylor F J |
| Caughlan | Fitzgerald | Kerrigan | McMahon | Tudor |
| Cole | Garvey | Kiernan | Monahan | Ulrich |
| Cotillo | Geoghan | Knott | O'Brien | Van Woert |
| Cronin | Gillen | Lane | O'Connor | Walker |
| Cuvillier | Goldberg | Larrimer | Oxford | Ward |
| Daley | Greenberg A | Levy | Patrie | Weil |
| Deitz | Hamilton | Lewis | Pullman | Yale |
| Dennen | Hammer | Madden | Robinson | Yard |
| Denney | Heyman | Maloney | Rozan | Speaker |
| Donohue | Jackson | McCollum | Schifferdecker | |

Debate was then continued.

Mr. Levy moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was decided in the affirmative.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 79

NOES 45

Those who voted in the affirmative were:

| | | | | |
|----------|----------|-----------|------------|-------------|
| Bradley | Donohue | Jackson | McCue | Schnirel |
| Bryant | Dorst | Kane | McDaniels | Silverstein |
| Burr | Esquirol | Kelly J A | McElligott | Small |
| Butts | Fallon | Kelly J J | McGrath | Smith M |
| Campbell | Farrell | Kelly J D | McKee | Smith T K |

| | | | | |
|-----------|-------------|-----------|----------------|------------|
| Carroll | Finnigan | Kelly P J | McKeon | Taylor F J |
| Carver | Fitzgerald | Kerrigan | McMahon | Tudor |
| Caughlan | Garvey | Kiernan | Monahan | Ulrich |
| Cole | Geoghan | Knott | Norton | Van Woert |
| Cotillo | Gillen | Lane | O'Brien | Walker |
| Cronin | Goldberg | Larrimer | O'Connor | Ward |
| Cuvillier | Greenberg A | Levy | Oxford | Weil |
| Daley | Hamilton | Lewis | Pullman | Yale |
| Deitz | Hammer | Madden | Robinson | Yard |
| Dennen | Heyman | Maloney | Rozan | Speaker |
| Denney | Ingram | McCollum | Schifferdecker | |

Those who voted in the negative were:

| | | | | |
|-----------|-----------|---------|------------|------------|
| Baumes | Edwards | Gibbs | Malone | Squire |
| Baxter | Eisner | Grace | Patrie | Sufrin |
| Benninger | Emden | Grimme | Prime | Sutphin |
| Birnkrant | Evans | Gurnett | Schaap | Tallett |
| Bovie | Fuller | Hinman | Schwarz | Taylor T D |
| Burden | Gage | Hover | Seaker | Telford |
| Bush | Gallup | Hughes | Seely G L | Webb |
| Doty | Gathright | Kenney | Seelye G T | Willard |
| Dox | Geyer | Magee | Shepardson | Wood |

Mr. Van Woert offered for the consideration of the House a resolution, in the words following:

Resolved, That a committee of three be appointed by the Speaker to go to the Senate and at the Bar thereof in the name of the Assembly and of all the people of the State of New York to impeach William Sulzer, the Governor of the State of New York, of wilful and corrupt misconduct in office and for high crimes and misdemeanors; and acquaint the Senate that the Assembly will, in due time, exhibit particular articles of impeachment against him and make good the same and that the committee do demand that the Senate take order for the appearance of said William Sulzer to answer to said impeachment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Speaker appointed as such committee Messrs. Van Woert of Lewis, Cole of Orleans and Bradley of Niagara.

Mr. Levy offered for the consideration of the House a resolution, in the words following:

Resolved, That a select committee of five be appointed to prepare and report articles of impeachment against William Sulzer, Governor of the State of New York.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Speaker appointed as such committee Messrs. Levy of New

York, Dietz of Kings, J. A. Kelly of Dutchess, Daley of Onondaga and Bryant of Genesee.

On motion of Mr. Levy, the House took a recess of one hour.

The House again convened.

Mr. Levy, from the select committee appointed to prepare and report articles of impeachment against William Sulzer, Governor of the State of New York, presented the following articles of impeachment.

ARTICLES EXHIBITED BY THE ASSEMBLY OF THE STATE OF NEW YORK.

In the name of themselves and of all the people of the State of New York against William Sulzer, Governor of said State, in maintenance of their impeachment against him for wilful and corrupt misconduct in his said office, and for high crimes and misdemeanors.

ARTICLE I.

That the said William Sulzer, now Governor of the State of New York, then being Governor-elect of said State for the term beginning January 1, 1913, he having been elected at the general election held in said State on the 5th day of November, 1912, was required by the statutes of the State then in force to file in the office of the Secretary of State within twenty days after his said election, a statement setting forth all the receipts, expenditures, disbursements and liabilities made, or incurred, by him as a candidate for Governor at said general election at which he was thus elected, which statement the statute required to include the amount received, the name of the person or committee from whom received, the date of its receipt, the amount of every expenditure or disbursement exceeding five dollars, the name of the person or committee to whom it was made and the date thereof, and all contributions made by him.

That, being thus required to file such statement, on or about the 13th day of November, 1912 the said William Sulzer, unmindful of his duty under said statutes, made and filed in the office of the Secretary of State what purported to be a statement made in conformity to the provisions of the statute above set forth, in which statement he stated and set forth as follows, to-wit: that all the moneys received, contributed or expended by said Sulzer,

directly or indirectly, by himself or through any other person, as the candidate of the Democratic Party for the office of Governor of the State of New York, in connection with the general election held in the State of New York on the 5th day of November, 1912, were receipts from sixty-eight contributors, aggregating five thousand four hundred and sixty (\$5,460) dollars, and ten items of expenditure aggregating seven thousand seven hundred twenty-four and nine one-hundredths (\$7,724.09) dollars, the detailed items of which were fully set forth in said statement so filed as aforesaid.

That said statement thus made and filed by said William Sulzer as aforesaid was false, and was intended by him to be false and an evasion and violation of the statutes of the State, and the same was made and filed by him wilfully, knowingly and corruptly, it being false in the following particulars among others to-wit:

It did not contain the contributions that had been received by him, and which should have been set forth in said statement, to wit:

| | |
|------------------------------|------------|
| Jacob Schiff | \$2,500 00 |
| Abram Elkus | 500 00 |
| William F. McCoombs..... | 500 00 |
| Henry Morgenthau | 1,000 00 |
| Theodore W. Myers | 1,000 00 |
| John Lynn | 500 00 |
| Lyman A. Spaulding | 100 00 |
| Edward F. O'Dwyer..... | 100 00 |
| John W. Cox | 300 00 |
| The Frank V. Strauss Co..... | 1,000 00 |
| John T. Dooling | 1,000 00 |

That in making and filing such false statement, as aforesaid, the said William Sulzer did not act as required by law, but did act in express violation of the statutes of the State, and wrongfully, wilfully and corruptly; and, thereafter, having taken the oath as Governor, and proceeded to perform the duties thereof, the said false statement thus made and filed by him caused great scandal and reproach of the Governor of the State of New York.

ARTICLE II.

That the said William Sulzer, now Governor of the State of New York, then being Governor-elect of said State for the term beginning January 1, 1913, he having been elected at the general election held in said State on the 5th of November, 1912, was required by the statutes of the State then in force to file in the office of the Secretary of State within ten days after his said elec-

tion, as aforesaid, an itemized statement showing in detail all the moneys contributed or expended by him directly or indirectly, by himself, or through any other person, in aid of his election, giving the names of the various persons who received such moneys, the specific nature of each item and the purpose for which it was expended or contributed; and was further required to attach to such statement an affidavit, subscribed and sworn to by him, such candidate, setting forth, in substance, that the statement thus made was in all respects true and that the same was a full and detailed statement of all moneys so contributed or expended by him, directly or indirectly, by himself, or through any other person, in aid of his election.

That, being thus required to file such statement, and attach thereto such affidavit, on or about the 13th day of November, 1912, the said William Sulzer, unmindful of his duty under such statutes, made and filed in the office of the Secretary of State what purported to be a statement made in conformity to the provisions of the statute above set forth, in which statement he stated and set forth as follows, to wit: That all the moneys received, contributed or expended by said Sulzer, directly or indirectly, by himself or through any other person, as the candidate of the Democratic Party for the office of Governor of the State of New York, in connection with the general election held in the State of New York on the 5th day of November, 1912, were receipts from sixty-eight contributors, aggregating five thousand four hundred and sixty (\$5,460) dollars and ten items of expenditure aggregating seven thousand seven hundred twenty-four and nine one-hundredths (\$7,724.09) dollars, the detailed items of which were fully set forth in said statement so filed as aforesaid.

That attached to such statement thus made and filed by him as aforesaid was an affidavit, subscribed and sworn to by said William Sulzer, stating that said statement was in all respects true and that the same was a full and detailed statement of all moneys received or contributed or expended by him, directly or indirectly, by himself or through any other person in aid of his election.

That said statement thus made and filed by said William Sulzer, as aforesaid, was false, and was intended by him to be false and an evasion and violation of the statutes of the State and the same was made and filed by him wilfully, knowingly and corruptly, being false in the following particulars, to wit: It did not contain the contributions that had been received by him, and which should have been set forth in said statement, to wit:

| | |
|---------------------------|------------|
| Jacob Schiff | \$2,500 00 |
| Abram T. Elkus | 500 00 |
| William F. McCoombs | 500 00 |

| | |
|-------------------------------|------------|
| Henry Morgenthau | \$1,000 00 |
| Theodore W. Myers | 1,000 00 |
| John Lynn | 500 00 |
| Lyman A. Spaulding | 100 00 |
| Edward F. O'Dwyer | 100 00 |
| John W. Cox | 300 00 |
| The Frank V. Strauss Co. | 1,000 00 |
| John T. Dooling | 1,000 00 |

That said affidavit thus subscribed and sworn to by said William Sulzer was false and was corruptly made by him.

That in making and filing such false statement as aforesaid, the said William Sulzer did not act as required by law, but did act in express violation of the statutes of the State and wrongfully, knowingly, wilfully and corruptly; and, in making said affidavit, as aforesaid, the said William Sulzer was guilty of wilful and corrupt perjury and of a violation of section 1620 of the Penal Law of the State; and, thereafter, having taking the oath as Governor, and proceeded to perform the duties thereof, the said false statement and affidavit thus made and filed by him caused great scandal and reproach of the Governor of the State of New York.

ARTICLE III.

That the said William Sulzer, then being the Governor of the State of New York, unmindful of the duties of his office, and in violation of his oath of office, was guilty of mal and corrupt conduct in his office as such Governor of the State and was guilty of bribing witnesses, and of a violation of section 2440 of the Penal Law of said State, in that, while a certain committee of the Legislature of the State of New York named by a concurrent resolution of said Legislature to investigate into, ascertain, and report at the extraordinary session of the Legislature then in session upon all expenditures made by any candidate voted for at the last preceding election by the electors of the whole State, and upon all statements filed by and on behalf of any such candidate for moneys or things of value received or paid out in aid of his election, and their compliance with the present requirements of law relative thereto,—while such committee was conducting such investigation, and had full authority in the premises, he, the said William Sulzer, in the months of July and August, 1913, fraudulently induced one Louis A. Sarecky, one Frederick L. Colwell, and one Melville B. Fuller, each, to withhold true testimony from said committee, which testimony it was the duty of said several persons named to give to said committee when called before it, and which, under said inducements of said William Sulzer, they, and each of them, refused to do.

That, in so inducing such witnesses to withhold such true testimony from said committee, the said William Sulzer acted wrongfully and wilfully and corruptly, and was guilty of a violation of the statutes of the State and of a felony, to the great scandal and reproach of the said Governor of the State of New York.

ARTICLE IV.

That the said William Sulzer, then being the Governor of the State of New York, unmindful of the duties of his office, and in violation of his oath of office, was guilty of mal and corrupt conduct in his office as such Governor of the State and was guilty of suppressing evidence and of a violation of section 814 of the Penal Law of said State, in that, while a certain committee of the Legislature of the State of New York named by a concurrent resolution of said Legislature to investigate into, ascertain, and report at an extraordinary session of the Legislature then in session, upon all expenditures made by any candidate voted for at the last preceding election by the electors of the whole State, and upon all statements filed by and on behalf of any such candidate for moneys or things of value received or paid out in aid of his election, and their compliance with the present requirements of law relative thereto,—while such committee was conducting such investigation and had full authority in the premises, he, the said William Sulzer, practiced deceit and fraud and used threats and menaces, with intent to prevent said committee and the people of the State from procuring the attendance and testimony of certain witnesses, to wit: Louis A. Sarecky, Frederick L. Colwell and Melville B. Fuller, and all other persons, and with intent to prevent said persons named, and all other persons, severally, they or many of them having in their possession certain books, papers and other things which might or would be evidence in the proceedings before said committee, and to prevent such persons named and all other persons, they, severally, being cognizant of facts material to said investigation being had by said committee, from producing or disclosing the same, which said several witnesses named, and many others, failed and refused to do.

That in thus practicing deceit and fraud and using threats and menaces as, and with the intent, aforesaid, and upon the persons before named, the said William Sulzer acted wrongfully and wilfully and corruptly and was guilty of a misdemeanor, to the great scandal and reproach of the Governor of the State of New York.

ARTICLE V.

That the said William Sulzer, then being the Governor of the State of New York, unmindful of the duties of his office, and in violation of his oath of office, was guilty of mal and corrupt con-

duct in his office as such Governor of the State and was guilty of preventing and dissuading a witness from attending under a subpoena in violation of section 2441 of the Penal Law of said State, in that, while a certain committee of the Legislature of the State of New York named by a concurrent resolution of said Legislature to investigate into, ascertain, and report at an extraordinary session of the Legislature then in session upon all expenditures made by any candidate voted for at the last preceding election by the electors of the whole State, and upon all statements filed by and on behalf of any such candidate, for moneys or things of value received or paid out in aid of his election, and their compliance with the present requirements of law relative thereto,—while such committee was conducting such investigation and had full authority in the premises, he, the said William Sulzer, wilfully prevented and dissuaded a certain witness, to wit: Frederick L. Colwell, who had been duly summoned or subpoenaed, to attend as a witness before said committee hereinbefore named for the 8th day of August, 1913, from attending pursuant to said summons or subpoena.

That, in so preventing or dissuading said Frederick L. Colwell, who had thus been duly summoned or subpoenaed to appear before said committee on said day named, from attending before said committee pursuant to said summons or subpoena, the said William Sulzer acted wrongfully and wilfully and corruptly and was guilty of a violation of the statutes of the State and of section 2441 of the Penal Law, and was guilty of a misdemeanor, to the great scandal and reproach of the Governor of the State of New York.

ARTICLE VI.

That the said William Sulzer, now Governor of the State of New York, was duly and regularly nominated by the Democratic Party of said State as its candidate for Governor, at a regular convention of said party held in the city of Syracuse, on or about the 1st day of October, 1912, such nomination having been made on or about the 2d day of October, 1912, and he was, thereafter, until the 5th day of November, 1912, when he was elected to such office of Governor, such candidate of said party for said office.

That being, and while, such candidate for said office of Governor, various persons contributed and delivered money, and checks representing money, to him, said William Sulzer, to aid his election to said office of Governor, and in connection with such election; that said money and checks were thus contributed and delivered to said William Sulzer as bailee, agent, or trustee, to be used in paying the expenses of said election and for no other purpose whatever; that the said William Sulzer, with the intent

to appropriate the said money and checks representing money, thus contributed and delivered to him as aforesaid, to his own use, having the same in his possession, custody, or control as bailee, agent, or trustee as aforesaid, did not apply the same to the uses for which he had thus received them, but converted the same and appropriated them to his own use and used the same, or a large part thereof, in speculating in stocks, through brokers operating on the New York Stock Exchange, and thereby stole such money and checks and was guilty of larceny.

That among such money and checks thus stolen by said William Sulzer was a check of Jacob H. Schiff for \$2,500; a check of Abram I. Elkus for \$500; a check of William F. McCoombs for \$500; a check of Henry Morgenthau for \$1,000; a check of John Lynn for \$500; a check of Theodore W. Myers for \$1,000; a check of Lyman A. Spaulding for \$100; a check of Edward F. O'Dwyer for \$100; a check of John W. Cox for \$300; a check of Frank V. Strauss Company for \$1,000; a check of John T. Dooling for \$1,000; and cash, aggregating \$32,850.

That in so converting and appropriating said money and checks to his own use, the said William Sulzer did not act as required by law, but did act wrongfully and wilfully and corruptly, and was guilty of a violation of sections 1290 and 1294 of the Penal Law, and of grand larceny, and the same was done for the purpose of concealing, and said action and omission of said William Sulzer did conceal, the names of persons who had contributed funds in aid of his election and defeated the purposes of the provisions of the statute which required such publication that the people might know whether, or not, said Governor, after he had taken office, was attempting to reward persons who had so contributed in aid of his election, by bestowing official patronage, or favors, upon them, and thereafter, having taken the oath as Governor of the State of New York and proceeded to perform the duties thereof, the said appropriation to his own use, and his larceny of the same, caused great scandal and reproach of the Governor of the State of New York.

ARTICLE VII.

That the said William Sulzer, then being the Governor of the State of New York, unmindful of the duties of his office, and in violation of his oath of office, was guilty of mal and corrupt conduct in his office as such Governor of the State, and was guilty of the corrupt use of his position as such Governor, and of the authority of said position, and of a violation of section 775 of the Penal Law of said State, in that, while holding a public office, to wit: The office of Governor, he promised and threatened to use such authority and influence of said office of Governor for the

purpose of affecting the vote or political action of certain public officers; that among such public officers to whom the said William Sulzer promised, or threatened, to use his authority and influence as Governor, for the purpose of affecting their votes, said persons to whom such promises or threats were made were,

Hon. S. G. Prime, Jr., a member of Assembly for the county of Essex for the year 1913, the promise being that if said Prime would vote for certain legislation in which said William Sulzer was interested and, as Governor, was pressing to passage, he, said Sulzer, would sign a bill that had already passed the Legislature and was pending before him, reappropriating the sum of about \$800,000 for the construction of roads in said county of Essex and counties adjoining thereto, the said Governor at the time of said promise well knowing that the said Assemblyman S. G. Prime, Jr., was desirous of having said bill for said appropriation for roads signed by the Governor.

Hon. Thaddeus C. Sweet, a member of Assembly for the county of Oswego for the year 1913, the threat being that if the said Sweet did not vote for certain legislation in which said William Sulzer was interested and, as Governor, was pressing to passage, he, said Sulzer, would veto a bill that had already passed the Legislature and was pending before him appropriating certain moneys for the construction of a bridge in said county of Oswego, the said Governor at the time of said threat well knowing that the said Assemblyman Thaddeus C. Sweet was desirous of having said bill for said appropriation signed.

That in so using the position and authority of the office of Governor the said William Sulzer acted wrongfully and wilfully and corruptly and was guilty of a violation of the statutes of the State, and of section 775 of the Penal Law, and of a felony, to the great scandal and reproach of the Governor of the State of New York.

ARTICLE VIII.

That the said William Sulzer, then Governor of the State of New York, unmindful of the duties of his office, and in violation of his oath of office, was guilty of mal and corrupt conduct in his office as such Governor of the State, and was guilty of the corrupt use of his position as such Governor and of the authority of said position, and of a violation of section 775 of the Penal Law of said State, in that, while holding a public office, to wit: The office of Governor, he corruptly used his authority, or influence, as such Governor to affect the current prices of securities listed and selling on the New York Stock Exchange, in some of which securities he was at the time interested and in which he was speculating, carrying, buying or selling, upon a margin or otherwise, by first urging,

recommending and pressing for passage legislation affecting the business of the New York Stock Exchange and the prices of securities dealt in on said Exchange, which legislation he caused to be introduced in the Legislature, and, then, by withdrawing, or attempting to withdraw, from the consideration of the Legislature such legislation which was then pending therein, all the time concealing his identity in said transactions by subterfuge.

That, in so using the position and authority of the office of Governor, the said William Sulzer acted wrongfully and wilfully and corruptly and was guilty of a violation of the statutes of the State, and of section 775 of the Penal Law, and of a felony, to the great scandal and reproach of the Governor of the State of New York.

And the said Assembly saving to themselves by protestation the liberty of exhibiting any other articles of impeachment against the said William Sulzer, Governor as aforesaid, and also of replying to the answers which he may make to the impeachment aforesaid, and of offering proof of the said matters of impeachment, do demand that the said William Sulzer, Governor as aforesaid, be put to answer all and every of the said matters, and that such proceedings, trial and judgment may be thereunder had and given as are conformable to the Constitution and laws of the State of New York; and the said Assembly are ready to offer proof of the said matters at such time as the honorable court for the trial of impeachment may order and appoint.

Albany, New York, August 12, 1913.

AARON J. LEVY,
PATRICK J. McMAHON,
ABRAHAM GREENBERG,
WILLIAM J. GILLEN,
THEODORE HACKETT WARD,
J. V. FITZGERALD,
TRACY P. MADDEN,
THOMAS K. SMITH,
HERMAN F. SCHNIREL.

Attest:

ALFRED E. SMITH,
Speaker.

GEORGE R. VAN NAMEE,
Clerk.

Mr. Speaker stated the question to be upon adopting said articles of impeachment.

Debate was had thereon,

Mr. Speaker put the question whether the House would adopt said articles of impeachment, and it was determined in the affirma-

tive, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 79

NOES 29

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|-----------|----------------|-------------|
| Bradley | Donohue | Jackson | McCue | Schnirel |
| Bryant | Dorst | Kane | McDaniels | Silverstein |
| Burr | Esquirol | Kelly J A | McElligott | Small |
| Butts | Fallon | Kelly J J | McGrath | Smith M |
| Campbell | Farrell | Kelly J D | McKee | Smith T K |
| Carroll | Finnigan | Kelly P J | McKeon | Taylor F J |
| Carver | Fitzgerald | Kerrigan | McMahon | Tudor |
| Caughlan | Garvey | Kiernan | Monahan | Ulrich |
| Cole | Geoghan | Knott | Norton | Van Woert |
| Cotillo | Gillen | Lane | O'Brien | Walker |
| Cronin | Goldberg | Larrimer | O'Connor | Ward |
| Cuvillier | Greenberg A | Levy | Oxford | Weil |
| Daley | Hamilton | Lewis | Pullman | Yale |
| Deits | Hammer | Madden | Robinson | Yard |
| Dennen | Heyman | Maloney | Rosan | Speaker |
| Denney | Ingram | McCollum | Schifferdecker | |

Those who voted in the negative were:

| | | | | |
|-----------|-----------|--------|------------|------------|
| Baumes | Dox | Gibbs | Schaap | Tallett |
| Baxter | Eisner | Grace | Schwarz | Taylor T D |
| Benninger | Emden | Grimme | Seely J L | Telford |
| Bowie | Gage | Hinman | Seelye G T | Webb |
| Burden | Gathright | Kenney | Shepardson | Willard |
| Doty | Geyer | Prime | Squire | |

Mr. McMahon offered for the consideration of the House a resolution, in the words following:

Resolved, That the Speaker of the Assembly appoint nine managers on the part of the Assembly to conduct the impeachment trial of William Sulzer.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 79

NOES 29

Those who voted in the affirmative were:

| | | | | |
|----------|------------|-----------|------------|-------------|
| Bradley | Donohue | Jackson | McCue | Schnirel |
| Bryant | Dorst | Kane | McDaniels | Silverstein |
| Burr | Esquirol | Kelly J A | McElligott | Small |
| Butts | Fallon | Kelly J J | McGrath | Smith M |
| Campbell | Farrell | Kelly J D | McKee | Smith T K |
| Carroll | Finnigan | Kelly P J | McKeon | Taylor F J |
| Carver | Fitzgerald | Kerrigan | McMahon | Tudor |

| | | | | |
|-----------|-------------|----------|----------------|-----------|
| Caughlan | Garvey | Kiernan | Monahan | Ulrich |
| Cole | Geoghan | Knott | Norton | Van Woert |
| Cotillo | Gillen | Lane | O'Brien | Walker |
| Cronin | Goldberg | Larrimer | O'Connor | Ward |
| Cuvillier | Greenberg A | Levy | Oxford | Weil |
| Daley | Hamilton | Lewis | Pullman | Yale |
| Deitz | Hammer | Madden | Robinson | Yard |
| Dennen | Heyman | Maloney | Rozan | Speaker |
| Denney | Ingram | McCollum | Schifferdecker | |

Those who voted in the negative were:

| | | | | |
|-----------|-----------|--------|------------|------------|
| Baumes | Dox | Gibbs | Schaap | Tallett |
| Baxter | Eisner | Grace | Schwartz | Taylor T D |
| Benninger | Emden | Grimme | Seely J L | Telford |
| Bovie | Gage | Hinman | Seelye G T | Webb |
| Burden | Gathright | Kenney | Shepardson | Willard |
| Doty | Geyer | Prime | Squire | |

Mr. Speaker appointed as managers on the part of the Assembly to conduct the impeachment trial of William Sulzer, Messrs. Levy of New York, McMahon of Bronx, Greenberg of New York, Gillen of Kings, Ward of New York, Fitzgerald of Erie, Madden of Westchester, T. K. Smith of Onondaga and Schnirel of Ontario.

Mr. Levy offered for the consideration of the House a resolution, in the words following:

Resolved, That the articles agreed to by this Assembly to be exhibited in the name of themselves and all of the people of the State of New York against William Sulzer, Governor of the State of New York in maintenance of their impeachment against him of wilful and corrupt misconduct in office and for high crimes and misdemeanors be carried to the Senate by the managers appointed to conduct said impeachment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Levy offered for the consideration of the House a resolution, in the words following:

Resolved, That a messenger be sent to the Senate to inform them that the Assembly through the Speaker have appointed managers to conduct the impeachment against William Sulzer, Governor of the State of New York and have directed the said managers to convey to the Senate the articles agreed upon by the Assembly, to be exhibited in maintenance of their impeachment against said William Sulzer and that the Clerk of the Assembly do go with such message.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Levy offered for the consideration of the House a resolution, in the words following:

Resolved, That the managers on the part of the Assembly in the matter of the impeachment of William Sulzer, Governor of the State of New York, be and hereby are authorized to appoint a clerk and messenger, to be paid for their services at a rate to be fixed by the Speaker and the Clerk of the Assembly, payable from the contingent fund of the Assembly during the time that they are employed, and that the said managers shall have power to employ counsel and to have all the powers of a legislative committee.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 79

NOES 29

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|-----------|----------------|-------------|
| Bradley | Donohue | Jackson | McCue | Schnirel |
| Bryant | Dorst | Kane | McDaniels | Silverstein |
| Burr | Esquirol | Kelly J A | McElligott | Small |
| Butts | Fallon | Kelly J J | McGrath | Smith M |
| Campbell | Farrell | Kelly J D | McKee | Smith T K |
| Carroll | Finnigan | Kelly P J | McKeon | Taylor F J |
| Carver | Fitzgerald | Kerrigan | McMahon | Tudor |
| Caughlan | Garvey | Kiernan | Monahan | Ulrich |
| Cole | Geoghan | Knott | Norton | Van Woert |
| Cotillo | Gillen | Lane | O'Brien | Walker |
| Cronin | Goldberg | Larrimer | O'Connor | Ward |
| Cuvillier | Greenberg A | Levy | Oxford | Weil |
| Daley | Hamilton | Lewis | Pullman | Yale |
| Deitz | Hammer | Madden | Robinson | Yard |
| Dennen | Heyman | Maloney | Rozan | Speaker |
| Denney | Ingram | McCollum | Schifferdecker | |

Those who voted in the negative were:

| | | | | |
|-----------|-----------|--------|------------|------------|
| Baumes | Dox | Gibbs | Schaap | Tallett |
| Baxter | Eisner | Grace | Schwarz | Taylor T D |
| Benninger | Emden | Grimme | Seely J L | Telford |
| Bovie | Gage | Hinman | Seelye G T | Webb |
| Burden | Gathright | Kenney | Shepardson | Willard |
| Doty | Geyer | Prime | Squire | |

Mr. Levy moved to take from the table the bill (No. 15, Int. No. 15) entitled "An act to amend chapter one hundred and forty-seven of the Laws of nineteen hundred and three, entitled 'An act making provision for issuing bonds to the amount of not to exceed one hundred and one million dollars for the improvement of the Erie canal, the Oswego canal and the Champlain

canal, and providing for a submission of the same to the people to be voted upon at the general election to be held in the year nineteen hundred and three,' in relation to toll bridges over the barge canal," together with the message accompanying the same.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Said bill having been announced,

Mr. Speaker stated the question to be, "Shall this bill become a law notwithstanding the objections of the Governor thereto?"

Debate was had thereon.

Mr. Speaker put the question, "Shall this bill become a law not withstanding the objections of the Governor thereto?" and it was decided in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

AYES 109

NOES 00

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|-----------|----------------|-------------|
| Baumes | Donohue | Hamilton | McCollum | Seelye G T |
| Baxter | Dorst | Hammer | McCue | Shepardson |
| Benninger | Doty | Heyman | McDaniels | Silverstein |
| Birnkrant | Dox | Hinman | McElligott | Small |
| Bovie | Edwards | Hover | McGrath | Smith M |
| Bradley | Eisner | Ingram | McKee | Smith T K |
| Bryant | Emden | Jackson | McKeon | Tallett |
| Burden | Esquirol | Kane | McMahon | Taylor F J |
| Burr | Fallon | Kelly J A | Monahan | Taylor T D |
| Butts | Farrell | Kelly J J | Norton | Tudor |
| Campbell | Finnigan | Kelly J D | O'Brien | Ulrich |
| Carroll | Fitzgerald | Kelly P J | O'Connor | Van Woert |
| Carver | Gage | Kenney | Oxford | Walker |
| Caughlan | Garvey | Kerrigan | Prime | Ward |
| Cole | Gathright | Kiernan | Pullman | Webb |
| Cotillo | Geoghan | Knott | Robinson | Weil |
| Cronin | Geyer | Lane | Rozan | Willard |
| Cuvillier | Gibbs | Larrimer | Schaap | Wood |
| Daley | Gillen | Levy | Schifferdecker | Yale |
| Deitz | Grace | Lewis | Schnirel | Yard |
| Dennen | Greenberg A | Madden | Schwarz | Speaker |
| Denny | Grimme | Maloney | Seely J L | |

Ordered, That the Clerk deliver said bill to the Senate with a message that the Assembly have again passed the same, Mr. Speaker stating the question to be, "Shall this bill become a law notwithstanding the objections of the Governor thereto?" and request their concurrence therein.

Mr. Levy moved to take from the table the bill (No. 1, Int. No. 1) entitled "An act to amend the Election Law, in relation

to reducing expenses in the operation of such law," together with the message accompanying the same.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Said bill having been announced,

Mr. Speaker stated the question to be, " Shall this bill become a law notwithstanding the objections of the Governor thereto? "

Debate was had thereon.

Mr. Speaker put the question, " Shall this bill become a law notwithstanding the objections of the Governor thereto? " and it was decided in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

AYES 108

NOES 5

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|-----------|----------------|-------------|
| Baumes | Donohue | Hammer | McCue | Seelye G T |
| Baxter | Dorst | Heyman | McDaniels | Shepardson |
| Benninger | Doty | Hover | McElligott | Silverstein |
| Birnkrant | Dox | Ingram | McGrath | Small |
| Bovie | Edwards | Jackson | McKee | Smith M |
| Bradley | Eisner | Kane | McKeon | Smith T K |
| Bryant | Emden | Kelly J A | McMahon | Tallett |
| Burden | Esquirol | Kelly J J | Monahan | Taylor F J |
| Burr | Fallon | Kelly J D | Norton | Taylor T D |
| Butts | Farrell | Kelly P J | O'Brien | Tuder |
| Campbell | Finnigan | Kenney | O'Connor | Ulrich |
| Carroll | Fitzgerald | Kerrigan | Oxford | Van Woert |
| Carver | Gage | Kiernan | Patrie | Walker |
| Caughlan | Garvey | Knott | Prime | Ward |
| Cole | Gathright | Lane | Pullman | Webb |
| Cotillo | Geoghan | Larrimer | Robinson | Weil |
| Cronin | Geyer | Levy | Rozan | Willard |
| Civillier | Gillen | Lewis | Schifferdecker | Wood |
| Daley | Goldberg | Madden | Schnirel | Yale |
| Deits | Grace | Magee | Schwarz | Yard |
| Dennen | Greenberg A | Maloney | Seely J L | Speaker |
| Denney | Hamilton | McCollum | | |

Those who voted in the negative were:

| | | | | |
|-------|--------|--------|--------|--------|
| Gibbs | Grimme | Hinman | Schaap | Sufrin |
|-------|--------|--------|--------|--------|

Ordered, That the Clerk deliver said bill to the Senate, with a message that the Assembly have again passed the same, Mr. Speaker stating the question to be, " Shall this bill become a law notwithstanding the objections of the Governor thereto? " and request their concurrence therein.

On motion of Mr. Levy, the House adjourned until Wednesday, August 13th, at eleven o'clock A. M.

WEDNESDAY, AUGUST 13, 1913.

The House met pursuant to adjournment.

On motion of Mr. Levy, the reading of the journal of yesterday was dispensed with and the same was approved.

Mr. Van Woert, from the committee appointed to go to the Senate, and at the bar thereof in the name of the Assembly and of all the people of the State of New York to impeach William Sulzer, the Governor of the State of New York, reported that they had performed that duty.

Mr. Van Namee, Clerk of the Assembly, appointed under resolution to inform the Senate that the Assembly through the Speaker has appointed managers to conduct the impeachment against William Sulzer, Governor of the State of New York, and has directed the said managers to convey to the Senate the articles agreed upon by the Assembly, reported that he had performed that duty.

Mr. Levy, from the managers to conduct the impeachment of William Sulzer, announced that they had proceeded to the Senate and presented articles of impeachment against William Sulzer, Governor of the State of New York, and in response the President of the Senate informed them that in due time they would appoint a time for the trial of such impeachment.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *August 13, 1913.*

Resolved (if the Assembly concur), That when the Legislature adjourns this day it be to meet again on Tuesday, August 19, 1913, at twelve o'clock noon.

By order of the Senate,

PATRICK E. McCABE,

Clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate returned the bill (No. 1, Int. No. 1) entitled

"An act to amend the Election Law, in relation to reducing expenses in the operation of such law," with a message that said bill was again duly passed by the Senate, the President stating the question to be, "Shall this bill become a law notwithstanding the objections of the Governor thereto?" two-thirds of all the members elected to the Senate voting in favor thereof.

Ordered, That the Clerk deliver said bill to the Secretary of State.

Mr. Speaker announced the resignation of Howard Sutphin as member of Assembly from the fourth district of the county of Queens.

Pursuant to concurrent resolution, Mr. Speaker declared the House adjourned.

TUESDAY, AUGUST 19, 1913.

The House met pursuant to adjournment.

Prayer by Rev. Chas. C. Jathro.

On motion of Mr. Levy, the reading of the journal of Wednesday, August 13th, was dispensed with and the same was approved.

Mr. Levy offered for the consideration of the House a resolution, in the words following:

Whereas, Frederick L. Colwell, a witness heretofore duly summoned before a certain committee of the Legislature of the State of New York, named by a concurrent resolution of said Legislature to investigate into, ascertain, and report at an extraordinary session of the Legislature then in session, upon all expenditures made by any candidate voted for at the last preceding election by the electors of the whole State, and upon all statements filed by and on behalf of any such candidate for moneys or things of value received or paid out in aid of his election, and their compliance with the present requirements of the law relative thereto, having been lawfully required and subpoenaed to testify before such committee, and having during the course of such investigation, neglected and refused to answer proper inquiries put to him by the chairman and the counsel of said committee, and subsequently, after being duly summoned and subpoenaed, having neglected and

refused to attend before said committee, and having neglected and refused to be examiner as a witness before said committee; and,

Whereas, Said committee having made a report to the Legislature transmitting therewith the record of its said hearings, and having reported that said Frederick L. Colwell is now in contempt of the Legislature of the State of New York, and having recommended his punishment for such contempt; therefore,

Resolved by the Assembly of the State of New York (if the Senate concur), That Frederick L. Colwell be forthwith arrested by the Sergeant-at-Arms of the Assembly and brought before the Assembly at its bar, by the order of the Assembly duly issued by the Speaker thereof, under his hand and the seal of the Assembly, and that said Colwell be detained by virtue thereof by said Sergeant-at-Arms until he answer for his contempt of the order of the Assembly and the Legislature of the State of New York, in the matter aforesaid and abide such order as may be made by the Assembly in the premises herein.

On motion of Mr. Levy, said resolution was ordered laid upon the table.

Mr. Levy offered for the consideration of the House a resolution, in the words following:

Whereas, Louis A. Sarecky, a witness heretofore duly summoned before a certain committee of the Legislature of the State of New York, named by a concurrent resolution of said Legislature to investigate into, ascertain, and report at an extraordinary session of the Legislature then in session, upon all expenditures made by any candidate voted for at the last preceding election by the electors of the whole State, and upon all statements filed by and on behalf of any such candidate for moneys or things of value received or paid out in aid of his election, and their compliance with the present requirements of the law relative thereto, having been lawfully required and subpoenaed to testify before such committee, and having during the course of such investigation, and on or about the 30th day of July, 1913, neglected and refused to answer proper inquiries put to him by the chairman of the counsel of said committee; and,

Whereas, Said committee having made a report to the Legislature transmitting therewith the record of its said hearings, and having reported that said Louis A. Sarecky is now in contempt of the Legislature of the State of New York, and having recommended his punishment for such contempt; therefore,

Resolved by the Assembly of the State of New York (if the

Senate concur), That Louis A. Sarecky be forthwith arrested by the Sergeant-at-Arms of the Assembly and brought before the Assembly at its bar, by the order of the Assembly duly issued by the Speaker thereof, under his hand and the seal of the Assembly, and that said Sarecky be detained by virtue thereof by said Sergeant-at-Arms until he answers for his contempt of the order of the Assembly and the Legislature of the State of New York, in the matter aforesaid and abide such order as may be made by the Assembly in the premises herein.

On motion of Mr. Levy, said resolution was ordered laid upon the table.

On motion of Mr. Brewster, and by unanimous consent, the fact that he was unavoidably absent from the sessions of last week and would, if present, have voted against the impeachment of Governor Sulzer was ordered spread upon the journal.

On motion of Mr. Knight, and by unanimous consent, the fact that he was unavoidably absent from the sessions of last week and would, if present, have voted against the impeachment of Governor Sulzer was ordered spread upon the journal.

On motion of Mr. Levy, the House adjourned until Wednesday August 20th at eleven o'clock, A. M.

WEDNESDAY, AUGUST 20, 1913.

The House met pursuant to adjournment.

Prayer by Rev. Ernest M. Grahn.

On motion of Mr. Levy, the reading of the journal of yesterday was dispensed with and the same was approved.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *August 20, 1913.*

Resolved (if the Assembly concur), That when the Legislature adjourns to-day it be to meet again on Wednesday, August 17, 1913, at eight-thirty o'clock P. M.

By order of the Senate,

PATRICK E. McCABE,
Clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

Pursuant to concurrent resolution, Mr. Speaker declared the House adjourned until Wednesday, August 27th, at eight-thirty o'clock, P. M.

WEDNESDAY, AUGUST 27, 1913.

The House met pursuant to adjournment.

Prayer by Rev. H. Liebich.

On motion of Mr. Levy, the reading of the journal of Wednesday, August 20th, was dispensed with and the same was approved.

Mr. Speaker presented the resignation of Raymond B. Carver, member of Assembly from the twenty-seventh district of the county of New York.

Mr. Levy moved a call of the members of the House.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

By direction of the Speaker, the Clerk called the roll, when the following members responded.

| | | | | |
|------------|-------------|-----------|----------------|------------|
| Adler | Gibbs | Kelly P J | McDaniels | Seely J L |
| Allen | Gillen | Kennedy | McElligott | Seelye G T |
| Benninger | Gillett | Kenney | McGrath | Shepardson |
| Brewster | Goldberg | Kerrigan | McKee | Small |
| Bush | Grace | Kiernan | McKeon | Smith J A |
| Caughlan | Greenberg A | Knight | McMahon | Smith M |
| Cole | Grimme | Kornobis | Norton | Sullivan |
| Cuvillier | Hammer | Larrimer | O'Brien | Taylor T D |
| Dox | Heyman | Levy | Oxford | Ulrich |
| Edwards | Hinman | Macdonald | Patrie | Van Woert |
| Esquirol | Hopkins | Machold | Phillips | Walker |
| Farrell | Hover | Madden | Rozan | Ward |
| Fitzgerald | Jackson | Magee | Schaap | Wood |
| Fuller | Kane | Malone | Schifferdecker | Yale |
| Gage | Kelly J A | McCollum | Schnirel | Yard |
| Gallup | Kelly J J | McCue | Schwarz | Speaker |
| Garvey | Kelly J D | | | |

Mr. Levy moved that the House proceed with business during the pendency of the call.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

A message from the Lieutenant-Governor, acting Governor, by the hand of his secretary was received.

Mr. Schaap. Mr. Speaker, I rise to a point of order.

Mr. Speaker. The gentleman will state his point of order.

Mr. Schaap. That this message has no standing in this Legislature and should not be received. The Lieutenant-Governor is not the Governor or even the acting governor, the Governor of this State is William Sulzer.

Mr. Speaker. The gentleman's point of order is not well taken. The Lieutenant-Governor is now acting Governor under the provisions of the Constitution.

Mr. Hinman appealed from the decision of the Chair.

Debate was had thereon, when Mr. Levy moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker put the question, "Shall the decision of the Chair stand as the judgment of the House?" and it was determined in the affirmative.

AYES 48

NOES 29

Those who voted in the affirmative were:

| | | | | |
|------------|-------------|------------|----------------|-----------|
| Benninger | Goldberg | Kelly P J | McGrath | Schnirel |
| Bush | Grace | Kerrigan | McKee | Small |
| Caughlan | Greenberg A | Kiernan | McKeon | Smith M |
| Cole | Hammer | Kornobis | McMahon | Ulrich |
| Cuvillier | Heyman | Larrimer | O'Brien | Van Woert |
| Esquirol | Jackson | Levy | Oxford | Walker |
| Farrell | Kane | Madden | Patrie | Ward |
| Fitzgerald | Kelly J A | McCollum | Rozan | Yale |
| Garvey | Kelly J J | McCue | Schifferdecker | Yard |
| Gillen | Kelly J D | McElligott | | |

Those who voted in the negative were:

| | | | | |
|----------|---------|-----------|------------|------------|
| Adler | Gallup | Hover | Malone | Shepardson |
| Allen | Gibbs | Kenney | Norton | Smith J A |
| Brewster | Gillett | Knight | Phillips | Taylor T D |
| Dox | Grimme | Macdonald | Schaap | Telford |
| Fuller | Hinman | Machold | Schwarz | Wood |
| Gage | Hopkins | Magee | Seelye G T | |

Said message was then read in the words following:

To the Legislature:

Your attention is respectfully called to the pressing need of financial legislation.

Unless the State is to default in interest payments upon its bonds it is necessary that the Legislature immediately make provisions for a direct tax. To avert this stigma upon the majesty of the State, this menace to its credit, the several counties must soon be in possession of authority to levy a State tax.

The condition of the State's finances is the most important problem confronting us. In the turmoil of other issues, the all important question of ways and means has been sadly overlooked, and less important questions have forced into obscurity the momentous problem of how the state is going to pay its debts.

Through unusual items in the regular appropriation bills and numerous special appropriations, the expenses of the State have been increased to a degree demanding serious consideration. If the present policy is continued the expenses of the State will soon largely outstrip the revenues and necessitate a heavy direct tax. It should be the serious study of all public officials to avoid the imposition of this burden upon the people. The condition of the finances of the State demands a halt for the time being from special appropriations, except for purposes absolutely necessary.

The appropriations of 1913 from the General Fund are: \$47,856,595.00. The sinking fund requirements are: \$9,725,398.00; making the total obligations to be provided for this year \$57,581,994.00, an increase of \$4,392.00 over last year. To meet this great demand upon the State's resources, it was estimated on January 1st last that at the beginning of the fiscal year there would be a surplus of \$11,589,758.00 and that revenues would be increased to the amount of \$40,210,000.00 and that former appropriations would lapse to the extent of \$625,000.00. The total estimated resources are, therefore, \$52,424,758.00. This amount is almost \$10,000,000.00 less than the amount required to meet the obligations of the State for the current year. It has happened, however, that the revenue derived from the transfer inheritance tax is now estimated to be at least \$3,000,000.00 greater than the estimate at the beginning of the year. Therefore, by using at least \$8,000,000.00 of the surplus and by the imposition of a direct tax of approximately six-tenths of a mill for the sinking fund requirements of the canal and Palisades bonds, the State will be able to meet its obligations and preserve a surplus sufficient to properly conduct the State's business.

The Legislature of 1914 will be compelled to inaugurate some entirely different policy in the treatment of the State's finances than has been pursued this year.

It is unreasonable to expect that there will be any addition to the revenues from indirect sources another year. The sinking fund requirements alone will amount to about twelve millions of dollars, involving an imposition of a direct tax of at least one and one-tenth mills. There will be no eight millions of dollars surplus another year to be used to meet the expenditures of the government. A continuation of the present fiscal policy of the State means the imposition next year of a two mill direct tax, a burden which ought not to be imposed upon the taxpayers if any plan of retrenchment can be adopted to avoid it.

Respectfully submitted

MARTIN H. GLYNN,

Lieutenant-Governor, Acting Governor.

Executive Chamber, August 27, 1913.

A message from the Lieutenant-Governor, acting Governor, by the hand of his secretary was received and read, in the words following:

To the Legislature:

I recommend the passage of legislation appropriating necessary sums of money required to pay the damages owed by the State for diseased cattle condemned and destroyed by the Department of Agriculture.

I am informed by the Commissioner of Agriculture that the State at this time owes to various citizens whose cattle have been destroyed the sum of \$217,157.45, as that sum is figured and allowed at the rates provided by statute. It seems unnecessary to argue that the State of New York should not impose upon its citizens unnecessary delay in reimbursing them according to its statutory requirements for property of which it deprives them. In many instances the owners of the cattle destroyed are citizens who cannot well afford to be deprived of their property and to be compelled to wait an unreasonable time for the reimbursement which the very statute that authorizes the deprivation commands shall be paid to them. The State of New York should not sanction such an injustice. The Legislature at the earliest opportunity should take up the consideration of this matter so that the citizens of the State shall receive at the hands of the government of the State that treatment which fair dealing requires.

Respectfully submitted,

MARTIN H. GLYNN,

Lieutenant-Governor, Acting Governor.

Executive Chamber, August 27, 1913.

A message from the Lieutenant-Governor, acting Governor, by the hand of his secretary was received and read, in the words following:

To the Legislature:

I recommend that the Legislature appropriate a reasonable amount of money to pay the necessary expenses of the Legislature incurred during the extraordinary session, and also for the expenses of legislative committees which have already been appointed but are unable to perform any of their duties because of the lack of funds.

Respectfully submitted,

MARTIN H. GLYNN,

Lieutenant-Governor, Acting Governor.

Executive Chamber, August 27, 1913.

On motion of Mr. Adler, and by unanimous consent, the fact that he was out of the State and therefore unable to attend the sessions of August 11th and 12th, and would, if present, have voted against adopting the report of the special legislative investigating committee and against the resolution impeaching the Governor was ordered spread upon the journal.

On motion of Mr. Levy, the House adjourned until Thursday, August 28th, at eleven o'clock, A. M.

THURSDAY, AUGUST 28, 1913.

The House met pursuant to adjournment.

Prayer by Rev. H. Liebich.

On motion of Mr. Levy, the reading of the journal of yesterday was dispensed with and the same was approved.

Mr. Levy moved a call of the members of the House.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

By direction of the Speaker, the Clerk called the roll, when the following members responded:

| | | | | |
|-----------|----------|-----------|------------|------------|
| Adler | Gallup | Kelly J J | McElligott | Small |
| Allen | Garvey | Kelly J D | McGrath | Smith J A |
| Baxter | Geoghan | Kelly P J | McKee | Smith M |
| Benninger | Gibbs | Kenney | McKeon | Smith T K |
| Burr | Gillen | Kerrigan | McMahon | Tallett |
| Bush | Gillett | Kiernan | O'Brien | Taylor F J |
| Caughlan | Goldberg | Knight | O'Connor | Tudor |

| | | | | |
|------------|-------------|-----------|----------------|-----------|
| Cole | Grace | Kornobis | Oxford | Ulrich |
| Cuvillier | Greenberg A | Larrim r | Pappert | Van Woert |
| Daley | Grimme | Levy | Pembleton | Vert |
| Donohue | Hammer | Macdonald | Phillips | Walker |
| Dox | Heyman | Machold | Rozan | Ward |
| Edwards | Hinman | Madden | Schaap | Webb |
| Esquirol | Hopkins | Magee | Schifferdecker | Wood |
| Fallon | Hover | McCue | Schnirel | Yale |
| Farrell | Jackson | McCollum | Shepardson | Yard |
| Fitzgerald | Kane | McDaniels | Silverstein | Speaker |
| Fuller | Kelly J A | | | |

Mr. Levy moved that the House proceed with business during the pendency of the call.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Levy introduced a bill entitled "An act making appropriations for certain expenses of government and supplying deficiencies in former appropriations" (Int. No. 32), which was read the first time and referred to the committee on ways and means.

Mr. Levy: Mr. Speaker, I rise to a question of personal privilege.

Mr. Speaker: The gentleman will state his question of personal privilege.

Mr. Levy: This morning's Knickerbocker Press published concerning me a most cruel and untruthful libel. In due season I will seek such redress for this unjustifiable assault upon my character and probity as a public officer as the law affords.

At this time, I submit this explanation of my relation with Mr. Skene, because I believe the people of this State should be advised of the facts.

I was employed as counsel to Mr. Skene in the matter of some sixteen indictments pending against him in the Supreme Court of Albany county. After long and arduous professional labor, I succeeded in the legal proceedings conducted by me to have said indictments dismissed. The records of the county clerk of Albany county are full and complete, in respect to my activities as counsel to Mr. Skene. Those are public records of court proceedings and are the sufficient justification of my charge for my professional services on behalf of Mr. Skene. For those services, I was paid \$5,000 by check drawn by Mr. Skene's attorney, Mr. A. J. Bernstein, to Mr. Skene's order, and in turn endorsed to me,

with the statement written upon said check that the same was given by Mr. Skene to me in payment for my professional services, the services to which I have referred.

There was no secret transaction. My activities were employed in open public legal proceedings before the Supreme Court. Indeed, it was I who first gave out the fact of the payment made to me. Soon after the defeat of the direct primary measure in extraordinary session, I invited some of the Governor's friends in the Assembly to dinner at the Hotel Ten Eyck. Among these friends were Assemblymen Gibbs, Grimme, Eisner and nearly a half dozen other, who were discussing difficulties between lawyers and clients in the matter of compensation for legal services. While the gentlemen present related experiences on that subject, on my part I told of my experience with Mr. Skene.

The following morning The New York American's correspondent in Albany, Mr. Charles Armitage, called on me and exhibited to me a telegram from the New York American at New York, asking information in respect to the very matter told by me at the table the night before, and I thereupon repeated my narrative to Mr. Armitage, and referred him to the records of the county clerk in this county. I believe he verified the accuracy of my statement, and I heard nothing more about the matter, until quite recently, when I was threatened with exposure, if I did not recede from the position which I had taken in the matter of the impeachment of the Governor.

I paid no attention to this threat. I continued in the discharge of my public duty, as I understood it. Later I learned that Mr. Skene had been invited into the Executive offices at Albany and that he there was interviewed by Governor Sulzer, Judge D. Cady Herrick, and Mr. Arnold of the Knickerbocker Press.

Mr. Skene could not truthfully have made the statement attributed to him. I am informed that he did not make it. However, if he did make it, or anything to its effect, it is a falsehood, manufactured out of the whole cloth.

I never had any such conversation with Mr. Skene. I never talked with Mr. Skene along the lines indicated. I never had any arrangement with Skene, by which I was to receive any sum of money whatever for any aid in any matter of legislative enact-

ment of any character. I never had any dealing of any kind with Mr. Skene, or with any one else with regard to the appropriation in his favor in this year's supply bill.

I furnish these facts, not because I desire to dignify with a reply this wholly and absolutely unfounded accusation, but because I think it is the duty of a public official, thus assailed, to take the people whom he serves, into his confidence, so that the people may know from him the facts, the truth, and, so knowing may judge of the character of the accusations.

With the motives of this malicious and wholly unfounded attack upon me, I need not deal. Those motives, and the despicable character of those actuated by them, are well known. Suffice it to say, that I court the most rigid investigation, and that I will aid in any investigation of my official conduct or private character to the utmost of my ability.

The truth injures only the guilty. It is the safe and sure shield for the innocent. All that I desire is that the truth shall be ascertained. The truth I do not fear.

Mr. Levy moved to take from the table his resolution in relation to Frederick L. Colwell, whose punishment for contempt was recommended by the special legislative investigating committee introduced August 18th.

Mr. Speaker put the question whether the House would agree to said motion to take from the table, and it was determined in the affirmative.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Levy moved to take from the table his resolution in relation to Louis A. Sarecky, whose punishment for contempt was recommended by the special legislative investigating committee introduced August 19th.

Mr. Speaker put the question whether the House would agree to said motion to take from the table, and it was determined in the affirmative.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Cuvillier offered for the consideration of the House a resolution, in the words following:

[ASSEMBLY JOURNAL.] 16

Whereas, It has been charged in the public press that the votes of a certain number of members of the Assembly upon the resolution relative to the impeachment of the Governor of the State of New York, adopted by the Assembly on the 12th day of August, 1913, was improperly and corruptly influenced and procured; and,

Whereas, The integrity of the Assembly requires that said charges be thoroughly investigated; therefore, be it

Resolved, That the committee on the judiciary of the Assembly be and hereby is empowered and directed to investigate said charges so made and all matters connected therewith and for such purpose is hereby constituted a legislative committee with all the powers vested by law in legislative committees.

Said committee shall have power to compel the attendance of witnesses and the production of books, papers and documents, to employ counsel, stenographers and all necessary clerical assistants, to sit anywhere in the State of New York and shall have all other powers usual or necessary in cases of legislative committees, including the adoption of rules for the conduct of its proceedings.

Said committee shall make a report of its proceedings, findings and recommendations to the Assembly as speedily as possible.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 80

NOES 00

Those who voted in the affirmative were:

| | | | | |
|------------|-------------|-----------|----------------|------------|
| Adler | Gallup | Kelly J J | McDaniels | Small |
| Allen | Garvey | Kelly J D | McElligott | Smith J A |
| Benninger | Gillen | Kelly P J | McGrath | Smith M |
| Burr | Gillett | Kenney | McKee | Smith T K |
| Bush | Goldberg | Kerrigan | McKeon | Tallett |
| Caughlan | Grace | Kiernan | McMahon | Taylor F J |
| Cole | Greenberg A | Knight | O'Brien | Tudor |
| Cuvillier | Grimme | Kornobis | Oxford | Ulrich |
| Daley | Hammer | Larrimer | Pappert | Van Woert |
| Donohue | Heyman | Levy | Pemberton | Vert |
| Dox | Hinman | Macdonald | Phillips | Walker |
| Edwards | Hopkins | Machold | Rozan | Ward |
| Esquirol | Hover | Madden | Schaap | Webb |
| Fallon | Jackson | Magee | Schifferdecker | Wood |
| Farrell | Kane | McCellum | Schnirel | Yale |
| Fitzgerald | Kelly J A | McCue | Shepardson | Yard |

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *August 28, 1913.*

Resolved (if the Assembly concur), That when the Legislature adjourns it be to meet again on Wednesday, September 17th, at eight-thirty o'clock P. M.

By order of the Senate,
PATRICK E. McCABE,
Clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate returned the concurrent resolution in relation to the punishment of Louis A. Sarecky for contempt, with a message that they have concurred in the passage of the same without amendment.

The Senate returned the concurrent resolution in relation to the punishment of Frederick L. Colwell for contempt, with a message that they have concurred in the passage of the same without amendment.

Pursuant to concurrent resolution, Mr. Speaker declared the House adjourned until Wednesday, September 17th, at eight-thirty o'clock P. M.

WEDNESDAY, SEPTEMBER 17, 1913.

The House met pursuant to adjournment.

Prayer by Rev. Charles W. Leitzell.

On motion of Mr. Levy, the reading of the journal of Thursday, August 28th, was dispensed with and the same was approved.

Mr. Levy moved a call of the members of the House.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

By direction of the Speaker, the Clerk called the roll, when the following members responded:

| | | | | |
|-----------|-------------|-----------|----------------|------------|
| Baxter | Esquirol | Ingram | McElligott | Small |
| Benninger | Fallon | Jackson | McGrath | Smith J A |
| Bovie | Farrell | Jones | McKee | Smith M |
| Brereton | Fitzgerald | Kane | McKeon | Smith T K |
| Brewster | Finnigan | Kelly J A | McMahon | Squire |
| Burden | Gage | Kelly J J | Monahan | Sullivan |
| Burr | Gallup | Kelly J D | Norton | Sweet |
| Bush | Garvey | Kelly P J | O'Brien | Tallett |
| Campbell | Gibbs | Kenney | O'Connor | Taylor F J |
| Carroll | Gillen | Kerrigan | Oxford | Taylor T D |
| Cole | Gillett | Kiernan | Pappert | Telford |
| Cotillo | Goldberg | Knott | Patrie | Tudor |
| Cronin | Grace | Kornobis | Pembleton | Van Woert |
| Cuvillier | Greenberg A | Lane | Pullman | Vert |
| Daley | Grimme | Larrimer | Richardson | Walker |
| Deitz | Hammer | Levy | Robinson | Ward |
| Dennen | Hearn | Lewis | Rosan | Webb |
| Denney | Heyman | Madden | Schaap | Weil |
| Donohue | Hinman | Malone | Schifferdecker | Wood |
| Dorst | Hopkins | Maloney | Schnirel | Yard |
| Dox | Horton | McCollum | Schwarz | Yeomans |
| Edwards | Hover | McCue | Seelye G T | Speaker |

Mr. Levy moved that the House proceed with business during the pendency of the call.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

A message from the Lieutenant-Governor, acting Governor, by the hand of his secretary was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,

LIEUTENANT-GOVERNOR'S ROOM, ALBANY.

To the Legislature:

The expenses incident to the conduct of the business of the Court for the Trial of Impeachment must necessarily be provided by the State. By the provisions of the Constitution of the State certain compensation to the members of the court is provided and many incidental expenses must be met. As there is no appropriation now available for the purpose of defraying the expenses mentioned, it will be necessary, in the orderly administration of the government, for the Legislature to make provision therefor.

Therefore, I recommend such legislation upon this subject as shall to the Legislature seem wise. All of which is respectfully submitted.

MARTIN H. GLYNN,

Lieutenant-Governor, Acting Governor.

By unanimous consent, Mr. Levy introduced a bill entitled "An act making an appropriation for the Court for the Trial of Impeachment" (Int. No. 33), which was read the first time.

On motion of Mr. Levy, and by unanimous consent, said bill was read the second time and ordered to a third reading and referred to the committee on ways and means.

The Senate sent for concurrence the following entitled bill:

"An act making an appropriation for the Court for the Trial of Impeachment" (No. 47, Rec. No. 8), which was read the first time.

On motion of Mr. Levy, and by unanimous consent, said bill was read the second time and ordered to a third reading.

A message from the Lieutenant-Governor, Acting Governor, was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
LIEUTENANT-GOVERNOR'S ROOM, ALBANY.

To the Legislature:

It appearing to my satisfaction that the public interest requires it: Therefore, in accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 43) now pending before the Legislature, entitled "An act making an appropriation for the Court for the Trial of Impeachments."

Given under my hand and the seal of the State at the Capitol in the city of Albany this 17th day of September in the year of our Lord one thousand nine hundred and thirteen.

MARTIN H. GLYNN,
Lieutenant-Governor, Acting Governor.

By the Lieutenant-Governor, Acting Governor:

FRANK A. TIERNEY,
Secretary to the Lieutenant-Governor, Acting Governor.

By unanimous consent, said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Lieutenant-Gov-

ernor, Acting Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 82

NOES 20

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|-----------|------------|----------------|
| Benninger | Dorst | Hover | Lewis | Rozan |
| Brereton | Dox | Ingram | Madden | Schifferdecker |
| Brewster | Esquirol | Jackson | Maloney | Schnirel |
| Burden | Fallon | Jones | McCollum | Small |
| Burr | Farrell | Kane | McCue | Smith J A |
| Bush | Finnigan | Kelly J A | McElligott | Smith M |
| Campbell | Fitzgerald | Kelly J J | McGrath | Smith T K |
| Carroll | Gallup | Kelly J D | McKee | Sweet |
| Cole | Garvey | Kelly P J | McMahon | Taylor F J |
| Cotillo | Gillen | Kenney | Monahan | Tuor |
| Cronin | Goldberg | Kerrigan | O'Brien | Van Woert |
| Cuvillier | Grace | Kiernan | O'Connor | Walker |
| Daley | Greenberg A | Knott | Oxford | Ward |
| Deitz | Hammer | Kornobis | Patrie | Weil |
| Dennen | Hearn | Larrimer | Pullman | Yard |
| Denney | Heyman | Levy | Robinson | Speaker |
| Donohue | Horton | | | |

Those who voted in the negative were:

| | | | | |
|--------|---------|------------|------------|---------|
| Baxter | Gillett | Pembleton | Squire | Telford |
| Bovie | Grimme | Schaap | Sullivan | Vert |
| Gage | Hinman | Schwarz | Tallett | Wood |
| Gibbs | Malone | Seelye G T | Taylor T D | Yeomans |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate sent for concurrence the following entitled bill:

"An act to provide ways and means for the support of government" (No. 45, Rec. No. 6), which was read the first time.

On motion of Mr. Levy, and by unanimous consent, said bill was read the second time and ordered to a third reading.

A message from the Lieutenant-Governor, Acting Governor, was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
LIEUTENANT-GOVERNOR'S ROOM, ALBANY.

To the Legislature:

It appearing to my satisfaction that the public interest requires it: Therefore, in accordance with the provisions of section fifteen of article three of the Constitution, and by virtue of the authority

thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 41) now pending before the Legislature, entitled "An act to provide ways and means for the support of government."

Given under my hand and the seal of the State at the Capitol in the City of Albany this 27th day of August in the year of our Lord one thousand nine hundred and thirteen.

MARTIN H. GLYNN,
Lieutenant-Governor, Acting Governor.

By the Lieutenant-Governor, Acting Governor:

FRANK A. TIERNEY,
Secretary to the Lieutenant-Governor, Acting Governor.

By unanimous consent, said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Lieutenant-Governor, Acting Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 86

NOES 12

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|-----------|------------|----------------|
| Benninger | Dox | Horton | Lewis | Schifferdecker |
| Brereton | Edwards | Hover | Madden | Schnirel |
| Brewster | Esquirol | Ingram | Maloney | Small |
| Burden | Fallon | Jackson | McCue | Smith J A |
| Burr | Farrell | Jones | McElligott | Smith M |
| Bush | Finnigan | Kane | McGrath | Smith T K |
| Campbell | Fitzgerald | Kelly J A | McKee | Squire |
| Carroll | Garvey | Kelly J J | McMahon | Sullivan |
| Cole | Gillen | Kelly J D | Monahan | Sweet |
| Cotillo | Goldberg | Kelly P J | Norton | Tallett |
| Cronin | Grace | Kenney | O'Connor | Taylor F J |
| Cuvillier | Greenberg A | Kerrigan | Oxford | Tudor |
| Daley | Grimme | Kiernan | Pappert | Walker |
| Deits | Hammer | Knott | Patrie | Ward |
| Dennen | Hearn | Kornobis | Pullman | Weil |
| Denney | Heyman | Larrimer | Robinson | Yard |
| Donohue | Hopkins | Levy | Rozan | Speaker |
| Dorst | | | | |

Those who voted in the negative were:

| | | | | |
|--------|-----------|------------|---------|---------|
| Baxter | Malone | Schwarz | Telford | Wood |
| Gibbs | Pemberton | Taylor T D | Vert | Yeomans |
| Hinman | Schaap | | | |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate sent for concurrence the following entitled bill:

"An act making appropriations for certain expenses of government and supplying deficiencies in former appropriations" (No. 46, Rec. No. 7), which was read the first time.

On motion of Mr. Levy, and by unanimous consent, said bill was read the second time and ordered to a third reading.

A message from the Lieutenant-Governor, Acting Governor, was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER.

LIEUTENANT-GOVERNOR'S ROOM, ALBANY.

To the Legislature:

It appearing to my satisfaction that the public interest requires it: Therefore, in accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 42) now pending before the Legislature, entitled "An act making appropriations for certain expenses of government and supplying deficiencies in former appropriations."

Given under my hand and the seal of the State at the Capitol in the city of Albany this 27th day of August in the year of our Lord one thousand nine hundred and thirteen.

MARTIN H. GLYNN,

Lieutenant-Governor, Acting Governor.

By the Lieutenant-Governor, Acting Governor:

FRANK A. TIERNEY,

Secretary to the Lieutenant-Governor, Acting Governor.

By unanimous consent, said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Lieutenant-Governor, Acting Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 94

NOES 5

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|-----------|----------------|------------|
| Benninger | Edwards | Jackson | McGrath | Smith M |
| Brereton | Esquirol | Jones | McKee | Smith T K |
| Brewster | Fallon | Kane | McMahon | Squire |
| Burden | Farrell | Kelly J A | Monahan | Sullivan |
| Burr | Finnigan | Kelly J J | Norton | Sweet |
| Bush | Fitzgerald | Kelly J D | O'Connor | Tallett |
| Campbell | Garvey | Kelly P J | Oxford | Taylor F J |
| Carroll | Gillen | Kenney | Pappert | Taylor T D |
| Cole | Goldberg | Kerrigan | Patrie | Telford |
| Cotillo | Grace | Kiernan | Pembleton | Tudor |
| Cronin | Greenberg A | Knott | Pullman | Van Woert |
| Cuvillier | Grimme | Kornobis | Robinson | Vert |
| Daley | Hammer | Larrimer | Rozan | Walker |
| Deitz | Hearn | Levy | Schifferdecker | Ward |
| Deanen | Heyman | Lewis | Schnirel | Weil |
| Denney | Hopkins | Madden | Schwarz | Yard |
| Denohue | Horton | Maloney | Seelye G T | Yeomans |
| Dorst | Hover | McCollum | Small | Speaker |
| Dox | Ingram | McCue | Smith J A | |

Those who voted in the negative were:

| | | | | |
|-------|--------|--------|--------|------|
| Gibbs | Hinman | Malone | Schaap | Wood |
|-------|--------|--------|--------|------|

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

By unanimous consent, Mr. Lewis offered for the consideration of the House a resolution, in the words following:

Whereas, The Hon. William Jay Gaynor, the late mayor of the city of New York, met an untimely death, on Wednesday, the 10th day of September, 1913, while on the high sea; and,

Whereas, In his lifetime Mayor Gaynor was always a force for good government; and,

Whereas, In his death, the city of New York has lost an able, loyal, fearless and industrious chief magistrate, and the State of New York has lost a leading citizen, a distinguished jurist, and a helpful mayor of its greatest municipality; be it

Resolved, That the Assembly of the State of New York, convened in extraordinary session at the Capitol, Albany, on the 17th day of September, 1913, extend to the family of the late mayor its sincere and heartfelt sympathy upon their bereavement; that a copy of these resolutions, suitably engrossed, be transmitted to his widow, and that a committee be appointed by the Speaker to attend the funeral of Mayor Gaynor.

Resolved, That when this House does adjourn it be out of respect to the memory of Mayor William Jay Gaynor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

By unanimous consent, Mr. Oxford offered for the consideration of the House a resolution, in the words following:

Whereas, The Assembly has learned with great sorrow of the death of the Hon. Timothy D. Sullivan, a member of the Congress of the United States, and for a number of years one of our best beloved colleagues, a man who by his own efforts and strength of character rose to a position of prominence in this body and who by his broad mindedness and lovable disposition endeared himself to all who had the good fortune to be associated with him.

Resolved, That when this House adjourns to-day that it be out of respect to the memory of the Hon. Timothy D. Sullivan, and be it further

Resolved, That a copy of these resolutions suitably engrossed be transmitted to the family of the deceased.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Pursuant to resolution, Mr. Speaker appointed Messrs. Levy of New York, Cuvillier of New York, Walker of New York, Hammer of Bronx, Schaap of New York, Yale of Putnam, Larrimer of Kings, McKee of Richmond, Burden of Queens, Cronin of Kings, Lewis of New York, Robinson of Suffolk, Goldberg of New York, Cotillo of New York and Dennen of Kings, a committee on the part of the Assembly to attend the funeral of Hon. William J. Gaynor.

On motion of Mr. Levy, the House adjourned until Thursday, September 18th, at ten-thirty o'clock A. M.

THURSDAY, SEPTEMBER 18, 1913.

The House met pursuant to adjournment.

On motion of Mr. Levy, the reading of the journal of yesterday was dispensed with and the same was approved.

On motion of Mr. Levy, the House took a recess until eight-thirty o'clock P. M.

EIGHT-THIRTY O'CLOCK P. M.

The House again convened.

Mr. Levy moved a call of the members of the House.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

By direction of the Speaker, the Clerk called the roll, when the following members responded:

| | | | | |
|-----------|-------------|-----------|------------|------------|
| Baxter | Fallon | Hughes | Maloney | Schaap |
| Benninger | Farrell | Ingram | McCollum | Schnirel |
| Bovie | Finnigan | Jackson | McCue | Schwarz |
| Burden | Fitzgerald | Jones | McDaniels | Smith J A |
| Burr | Gallup | Kane | McElligott | Smith M |
| Butts | Garvey | Kelly J A | McGrath | Sweet |
| Campbell | Gathright | Kelly J J | McKee | Tallett |
| Carroll | Gibbs | Kelly J D | McKeon | Taylor F J |
| Cole | Gillen | Kelly P J | McMahon | Taylor T D |
| Cotillo | Gillett | Kenney | Monahan | Telford |
| Cronin | Goldberg | Kerrigan | O'Brien | Tudor |
| Cuvillier | Grace | Kiernan | O'Connor | Ulrich |
| Daley | Greenberg A | Knott | Oxford | Van Woert |
| Deitz | Grimme | Kornobis | Pappert | Walker |
| Dennen | Hammer | Lane | Prime | Ward |
| Denney | Hearn | Larrimer | Pullman | Weil |
| Donohue | Heyman | Levy | Richardson | Wood |
| Dorst | Hinman | Lewis | Robinson | Yale |
| Dox | Hopkins | Machold | Rozan | Speaker |
| Esquirol | Hover | Madden | | |

Mr. Levy moved that the House proceed with business during the pendency of the call.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

The Senate sent for concurrence the following entitled bills:

"An act making an appropriation for the payment for the fiscal year beginning on the first day of October, nineteen hundred and thirteen, of interest on the canal debt contracted or to be contracted under article seven, section four of the Constitution" (No. 26, Rec. No. 9), which was read the first time.

On motion of Mr. Levy, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. Levy, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 78

NOES 13

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|-----------|------------|------------|
| Benninger | Esquirol | Jones | Madden | Robinson |
| Burr | Fallon | Kane | Maloney | Rozan |
| Butts | Farrell | Kelly J A | McCollum | Schnirel |
| Campbell | Finnigan | Kelly J J | McCue | Smith J A |
| Carroll | Fitzgerald | Kelly J D | McDaniels | Smith M |
| Cole | Garvey | Kelly P J | McElligott | Sweet |
| Cotillo | Gillen | Kenney | McGrath | Taylor F J |
| Cronin | Goldberg | Kerrigan | McKee | Tudor |
| Cuvillier | Grace | Kiernan | McKeon | Ulrich |
| Daley | Greenberg A | Knott | McMahon | Van Woert |
| Deitz | Grimme | Kornobis | Monahan | Walker |
| Dennen | Hammer | Lane | O'Brien | Ward |
| Denney | Hearn | Larrimer | O'Connor | Weil |
| Donohue | Heyman | Levy | Oxford | Yale |
| Dorst | Ingram | Lewis | Pullman | Speaker |
| Dox | Jackson | Machold | | |

Those who voted in the negative were:

| | | | | |
|---------|---------|---------|---------|------------|
| Baxter | Hinman | Pappert | Schwarz | Taylor T D |
| Bovie | Hopkins | Prime | Tallett | Wood |
| Gillett | Malone | Schaap | | |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

"An act making an appropriation for the payment of interest on the debt for barge canal terminals contracted or to be contracted under the provisions of article seven, section four of the Constitution" (No. 37, Rec. No. 10), which was read the first time.

On motion of Mr. Levy, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. Levy, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 78

NOES 13

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|-----------|------------|------------|
| Benninger | Esquirol | Jones | Madden | Robinson |
| Burr | Fallon | Kane | Maloney | Rozan |
| Butts | Farrell | Kelly J A | McCollum | Schnirel |
| Campbell | Finnigan | Kelly J J | McCue | Smith J A |
| Carroll | Fitzgerald | Kelly J D | McDaniels | Smith M |
| Cole | Garvey | Kelly P J | McElligott | Sweet |
| Cotillo | Gillen | Kenney | McGrath | Taylor F J |
| Cronin | Goldberg | Kerrigan | McKee | Tudor |
| Cuvillier | Grace | Kiernan | McKeon | Ulrich |
| Daley | Greenberg A | Knott | McMahon | Van Woert |
| Deits | Grimme | Kornobis | Monahan | Walker |
| Dennen | Hammer | Lane | O'Brien | Ward |
| Denney | Hearn | Larrimer | O'Connor | Weil |
| Donohue | Heyman | Levy | Oxford | Yale |
| Dorst | Ingram | Lewis | Pullman | Speaker |
| Dox | Jackson | Machold | | |

Those who voted in the negative were:

| | | | | |
|---------|---------|---------|---------|------------|
| Baxter | Hinman | Pappert | Schwarz | Taylor T D |
| Bovie | Hopkins | Prime | Tallett | Wood |
| Gillett | Malone | Schaap | | |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

"An act making an appropriation for the payment for the fiscal year beginning on the first day of October, nineteen hundred and thirteen, of interest on the Palisades Interstate Park debt contracted under article seven, section four of the Constitution" (No. 38, Rec. No. 11), which was read the first time.

On motion of Mr. Levy, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. Levy, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the

affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 78

NOES 13

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|-----------|------------|------------|
| Benninger | Esquirol | Jones | Madden | Robinson |
| Burr | Fallon | Kane | Maloney | Rosan |
| Butts | Farrell | Kelly J A | McCollum | Schnirel |
| Campbell | Finnigan | Kelly J J | McCue | Smith J A |
| Carroll | Fitzgerald | Kelly J D | McDaniels | Smith M |
| Cole | Garvey | Kelly P J | McElligott | Sweet |
| Cotillo | Gillen | Kenney | McGrath | Taylor F J |
| Cronin | Goldberg | Kerrigan | McKee | Tudor |
| Cuvillier | Grace | Kiernan | McKeon | Ulrich |
| Daley | Greenberg A | Knott | McMahon | Van Woert |
| Deitz | Grimme | Kornobis | Monahan | Walker |
| Dennen | Hammer | Lane | O'Brien | Ward |
| Denney | Hearn | Larrimer | O'Connor | Weil |
| Donohue | Heyman | Levy | Oxford | Yale |
| Dorst | Ingram | Lewis | Pullman | Speaker |
| Dox | Jackson | Machold | | |

Those who voted in the negative were:

| | | | | |
|---------|---------|---------|---------|------------|
| Baxter | Hinman | Pappert | Schwarz | Taylor T D |
| Bovie | Hopkins | Prime | Tallett | Wood |
| Gillett | Malone | Schaap | | |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

"An act making an appropriation for the payment of interest on the debt for highway improvement contracted or to be contracted under article seven, section four of the Constitution, and as provided by law, for the fiscal year beginning on the first day of October, nineteen hundred and thirteen" (No. 39, Rec. No. 12), which was read the first time.

On motion of Mr. Levy, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. Levy, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 78

NOES 13

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|-----------|------------|------------|
| Benninger | Esquirol | Jones | Madden | Robinson |
| Burr | Fallon | Kane | Maloney | Rozan |
| Butts | Farrell | Kelly J A | McCollum | Schnirel |
| Campbell | Finnigan | Kelly J J | McCue | Smith J A |
| Carroll | Fitzgerald | Kelly J D | McDaniels | Smith M |
| Cole | Garvey | Kelly P J | McElligott | Sweet |
| Cotillo | Gillen | Kenney | McGrath | Taylor F J |
| Cronin | Goldberg | Kerrigan | McKee | Tudor |
| Cuvillier | Grace | Kiernan | McKeon | Ulrich |
| Daley | Greenberg A | Knott | McMahon | Van Woert |
| Deitz | Grimme | Kornobis | Monahan | Walker |
| Dennen | Hammer | Lane | O'Brien | Ward |
| Denney | Hearn | Larrimer | O'Connor | Weil |
| Donohue | Heyman | Levy | Oxford | Yale |
| Dorst | Ingram | Lewis | Pullman | Speaker |
| Dox | Jackson | Machold | | |

Those who voted in the negative were:

| | | | | |
|---------|---------|---------|---------|------------|
| Baxter | Hinman | Pappert | Schwarz | Taylor T D |
| Bovie | Hopkins | Prime | Tallett | Wood |
| Gillett | Malone | Schaap | | |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

"An act making an appropriation for the payment of interest on the debt for highway improvement contracted or to be contracted under article seven, section twelve of the Constitution and as provided by law, for the fiscal year beginning on the first day of October, nineteen hundred and thirteen" (No. 40, Rec. No. 13), which was read the first time.

On motion of Mr. Levy, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. Levy, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 78

NOES 13

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|-----------|------------|------------|
| Benninger | Esquirol | Jones | Madden | Robinson |
| Burr | Fallon | Kane | Maloney | Rozan |
| Butts | Farrell | Kelly J A | McCollum | Schnirel |
| Campbell | Finnigan | Kelly J J | McCue | Smith J A |
| Carroll | Fitzgerald | Kelly J D | McDaniels | Smith M |
| Cole | Garvey | Kelly P J | McElligott | Sweet |
| Cotillo | Gillen | Kenney | McGrath | Taylor F J |
| Cronin | Goldberg | Kerrigan | McKee | Tudor |
| Cuvillier | Grace | Kiernan | McKeon | Ulrich |
| Daley | Greenberg A | Knott | McMahon | Van Woert |
| Deitz | Grimme | Kornobis | Monahan | Walker |
| Dennen | Hammer | Lane | O'Brien | Ward |
| Denney | Hearn | Larrimer | O'Connor | Weil |
| Donohue | Heyman | Levy | Oxford | Yale |
| Dorst | Ingram | Lewis | Pullman | Speaker |
| Dox | Jackson | Machold | | |

Those who voted in the negative were:

| | | | | |
|---------|---------|---------|---------|------------|
| Baxter | Hinman | Pappert | Schwarz | Taylor T D |
| Bovie | Hopkins | Prime | Tallett | Wood |
| Gillett | Malone | Schaap | | |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

“An act to provide ways and means for the annual contribution to the highway improvement sinking fund” (No. 41, Rec. No. 14), which was read the first time.

On motion of Mr. Levy, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. Levy, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 78

NOES 13

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|-----------|------------|------------|
| Fenninger | Esquirol | Jones | Madden | Robinson |
| Burr | Fallon | Kane | Maloney | Rozan |
| Butts | Farrell | Kelly J A | McCollum | Schnirel |
| Campbell | Finnigan | Kelly J J | McCue | Smith J A |
| Carroll | Fitzgerald | Kelly J D | McDaniels | Smith M |
| Cole | Garvey | Kelly P J | McElligott | Sweet |
| Cotillo | Gillen | Kenney | McGrath | Taylor F J |
| Cronin | Goldberg | Kerrigan | McKee | Tudor |
| Cuvillier | Grace | Kiernan | McKeon | Ulrich |
| Daley | Greenberg A | Knott | McMahon | Van Woert |
| Deitz | Grimme | Kornobis | Monahan | Walker |
| Dennen | Hammer | Lane | O'Brien | Ward |
| Denney | Hearn | Larrimer | O'Connor | Weil |
| Donohue | Heyman | Levy | Oxford | Yale |
| Dorst | Ingram | Lewis | Pullman | Speaker |
| Dox | Jackson | Machold | | |

Those who voted in the negative were:

| | | | | |
|---------|---------|---------|---------|------------|
| Baxter | Hinman | Pappert | Schwarz | Taylor T D |
| Bovie | Hopkins | Prime | Tallett | Wood |
| Gillett | Malone | Schaap | | |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Levy offered for the consideration of the House a resolution, in the words following:

Whereas, James C. Garrison, a witness heretofore duly summoned before the certain judiciary committee of the Assembly of the State of New York authorized by resolution of the Assembly to investigate into, ascertain and report to the Assembly upon certain charges in the public press that the votes of certain members of the Assembly upon the resolution relative to the impeachment of the Governor of the State of New York were improperly and corruptly influenced and procured, having been lawfully required and subpoenaed to testify before such committee and having neglected and refused to answer proper inquiries put to him by the chairman and counsel of said committee and having neglected and refused to be examined as a witness before said committee; and,

Whereas, Said James C. Garrison is now in contempt of the Assembly of the State of New York; therefore,

Resolved by the Assembly of the State of New York, That James C. Garrison be forthwith arrested by the Sergeant-at-Arms of the Assembly and brought before the Assembly at its bar, by

the order of the Assembly duly issued by the Speaker thereof, under his hand and the seal of the Assembly and that said James C. Garrison be detained by virtue thereof by said Sergeant-at-Arms until he answer for his contempt of the order of the Assembly of the State of New York, in the matter aforesaid and abide such order as may be made by the Assembly in the premises herein.

Debate was had thereon.

Mr. Hinman moved to amend as follows:

Strike out the last paragraph and insert:

Resolved, By the Assembly of the State of New York that James C. Garrison be required to appear before the judiciary committee of the Assembly at the convenience of that committee and that the said James C. Garrison be permitted to have counsel when examined before such committee as to the matters aforesaid.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 80

NOES 10

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|-----------|------------|------------|
| Benninger | Dox | Jackson | Madden | Robinson |
| Bovie | Edwards | Jones | Malone | Rozan |
| Burr | Esquirol | Kane | Maloney | Schnirel |
| Butts | Fallon | Kelly J A | McCollum | Schwarz |
| Campbell | Farrell | Kelly J J | McCue | Smith J A |
| Carroll | Finnigan | Kelly J D | McDaniels | Smith M |
| Cole | Fitzgerald | Kelly P J | McElligott | Sweet |
| Cotillo | Garvey | Kenney | McGrath | Taylor F J |
| Cronin | Gillen | Kerrigan | McKee | Taylor T D |
| Cuvillier | Goldberg | Kiernan | McKeon | Tudor |
| Daley | Greenberg A | Kornobis | McMahon | Ulrich |
| Deitz | Grimme | Lane | Monahan | Van Woert |
| Dennen | Hammer | Larrimer | O'Brien | Walker |
| Denney | Hearn | Levy | O'Connor | Ward |
| Donohue | Heyman | Lewis | Oxford | Weil |
| Dorst | Ingram | Machold | Pappert | |

Those who voted in the negative were:

| | | | | |
|--------|--------|---------|------------|---------|
| Baxter | Grace | Hopkins | Richardson | Tallett |
| Gibbs | Hinman | Knott | Schaap | Wood |

The Sergeant-at-Arms appeared before the bar of the House and announced that acting under the authority of the resolution heretofore adopted and the warrant issued thereunder he produced before the bar of the House the person of James C. Garrison.

Said Garrison was then before the bar of the House.

Mr. Speaker: Mr. Garrison, pursuant to resolution adopted by this House you are arraigned before the bar of the House. Before action is taken by the House the Speaker simply desires to say this: whatever may have been the action taken by the committee, whether in haste or whatever may have been alleged to have been said by you, whether true or not it cannot be disputed by any man around this circle that you should at least in justice to this House answer one question. That question I will put to you as the Speaker of the Assembly, jealous of its honor and of its integrity: Did you say to any man that to your knowledge votes were purchased for the passage of the impeachment resolution?

Garrison: Is that all the Speaker has to say?

Speaker: That is the only question I have to ask. That question, I might suggest to Mr. Garrison, could be answered "Yes" or "No."

Garrison: I am sorry, Mr. Speaker, I am not in a position to answer that question. If the Speaker will have no more to say I will make any statement he will be pleased to hear or the Assembly will be pleased to hear.

Speaker: Mr. Garrison, the Speaker has directed the inquiry to you, arraigned as you are before the bar of the House. You can well answer Yes or No.

Garrison: I can answer no question until the Assembly gives me the opportunity of having my counsel here.

Speaker: The Speaker is giving you a good opportunity to clear yourself of this whole thing, if you are able to so do.

Garrison: Mr. Speaker, I think the question here is for the Assembly to clear itself, not for me to clear myself.

Speaker: Now, the gentleman should understand the position he is in.

On motion of Mr. Levy, said James C. Garrison was ordered held in the custody of the Sergeant-at-Arms awaiting the further action of the House.

Mr. Levy offered for the consideration of the House a resolution, in the words following:

Whereas, James C. Garrison, a witness heretofore duly summoned and subpoenaed before the certain judiciary committee of the Assembly of the State of New York authorized by resolution of the Assembly to investigate into, ascertain and report to the Assembly upon certain charges or accusations in the public press that the votes of certain members of the Assembly upon the resolutions relative to the impeachment of the Governor of the State of New York were improperly and corruptly influenced and procured, having been lawfully required and subpoenaed to attend and testify before such committee, and having neglected, failed and refused to attend and failed, neglected and refused to answer proper inquiries put to him by the chairman and counsel of said committee, both duly authorized to make such inquiries, and having neglected, failed and refused to be examined as a witness before the aforesaid committee; and,

Whereas, The foregoing facts have been duly reported to the Assembly; and,

Whereas, By resolution thereafter duly adopted by the said Assembly of the State of New York on the 18th day of September, 1913, said James C. Garrison was declared and adjudged by the said Assembly to be in contempt of the Assembly of the State of New York; and,

Whereas, By the latter resolution the said James C. Garrison by the order or warrant of the Assembly, duly issued by the Speaker thereof, under his hand and the seal of the Assembly directed to the Sergeant-at-Arms of the said Assembly, was duly and regularly apprehended by the said Sergeant-at-Arms, and by virtue of the aforesaid order or warrant and in pursuance thereof, was by the said Sergeant-at-Arms brought before the Assembly at its bar; and,

Whereas, At the said bar the said James C. Garrison was required to answer for his aforesaid contempt, which he refused to do; and,

Whereas, In the immediate view and presence of this said Assembly, the said James C. Garrison committed disorderly conduct tending to interrupt the proceedings of the said Assembly and contemptuously offended the dignity of the said Assembly and the honor and integrity of its members; therefore,

Resolved by the Assembly of the State of New York, That James C. Garrison be punished for his aforesaid contempt whereof he stands convicted, and that the Sergeant-at-Arms be directed and commanded, under the order or warrant of commitment of

the Assembly duly issued by the Speaker thereof under his hand and the seal of the Assembly, forthwith to convey and deliver him, the said James C. Garrison, into the custody of the sheriff of the county of Albany in the Albany penitentiary of said county, and he the said sheriff is hereby required and commanded to receive him, the said James C. Garrison, into his custody in the said penitentiary and him safely keep in prison and detain there until the final adjournment of the present session of the Legislature, unless sooner discharged by order of the Assembly.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 89

NOES 3

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|-----------|------------|------------|
| Benninger | Esquirol | Jones | McCollum | Schnirel |
| Bovie | Fallon | Kane | McCue | Schwartz |
| Bryant | Farrell | Kelly J A | McDaniels | Seelye G T |
| Burr | Finnigan | Kelly J J | McEligott | Smith J A |
| Butts | Fitzgerald | Kelly J D | McGrath | Smith M |
| Carroll | Gillen | Kelly P J | McKee | Sweet |
| Cole | Gillett | Kenney | McKeon | Tallett |
| Cotillo | Goldberg | Kerrigan | McMahon | Taylor F J |
| Cronin | Grace | Kiernan | Monahan | Taylor T D |
| Cuvillier | Greenberg A | Kornobis | O'Brien | Tudor |
| Daley | Grimme | Lane | O'Connor | Ulrich |
| Deits | Hammer | Larrimer | Oxford | Van Woert |
| Dennen | Hearn | Levy | Pappert | Walker |
| Denney | Heyman | Lewis | Prime | Ward |
| Donohue | Hinman | Machold | Pullman | Weil |
| Dorst | Hopkins | Madden | Richardson | Yale |
| Dox | Ingram | Malone | Robinson | Speaker |
| Edwards | Jackson | Maloney | Rozan | |

Those who voted in the negative were:

Gibbs Knott Schaap

The Senate returned the bill (No. 15, Int. No. 15) entitled "An act to amend chapter one hundred and forty-seven of the Laws of nineteen hundred and three, entitled 'An act making provision for issuing bonds to the amount of not to exceed one hundred and one million dollars for the improvement of the Erie canal, the Oswego canal and the Champlain canal, and providing for a submission of the same to the people to be voted upon at the general election to be held in the year nineteen hundred and three, in

relation to toll bridges over the barge canal," with a message that said bill was again duly passed, the President stating the question to be "Shall this bill become a law notwithstanding the objections of the Governor thereto," two-thirds of all the members elected to the Senate voting in favor thereof.

Ordered, That the Clerk deliver said bill to the Secretary of State.

On motion of Mr. Levy, the House adjourned until Friday, September 19th, at twelve o'clock noon.

FRIDAY, SEPTEMBER 19, 1913.

The House met pursuant to adjournment.

On motion of Mr. Levy, the reading of the journal of yesterday was dispensed with and the same was approved.

Mr. Levy moved a call of the members of the House.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

By direction of the Speaker, the Clerk called the roll, when the following members responded:

| | | | | |
|-----------|-------------|-----------|----------------|------------|
| Baxter | Edwards | Jones | McCue | Schnirel |
| Bovie | Esquirol | Kane | McDaniels | Schwarz |
| Brereton | Fallon | Kelly J A | McElligott | Smith J A |
| Bryant | Farrell | Kelly J J | McGrath | Smith M |
| Burr | Finnigan | Kelly J D | McKee | Smith T K |
| Bush | Fitzgerald | Kelly P J | McKeon | Sweet |
| Butts | Gallup | Kennedy | McMahon | Tallett |
| Campbell | Garvey | Kerrigan | Monahan | Taylor F J |
| Carroll | Gibbs | Kiernan | O'Brien | Taylor T D |
| Cole | Gillen | Kornobis | O'Connor | Tudor |
| Cotillo | Goldberg | Lane | Oxford | Ulrich |
| Cronin | Grace | Larrimer | Pappert | Van Woert |
| Cuvillier | Greenberg A | Levy | Prime | Walker |
| Daley | Hammer | Lewis | Pullman | Ward |
| Deitz | Hearn | Macdonald | Richardson | Weil |
| Dennen | Heyman | Machold | Robinson | Wood |
| Denney | Hinman | Madden | Rozan | Yale |
| Donohue | Hopkins | Malone | Schaap | Yard |
| Dorst | Ingram | Maloney | Schifferdecker | Speaker |
| Dox | Jackson | McCollum | | |

Mr. Levy moved that the House proceed with business during the pendency of the call.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

The Sergeant-at-Arms appeared at the bar of the House and announced that in accord with the order and mandate of the Assembly he had delivered James C. Garrison to the custody of the sheriff of the county of Albany, and presented the following papers in proof thereof:

(See Appendix No. 28.)

which said report was ordered entered upon the journal.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *September 19, 1913.*

Resolved (if the Assembly concur), That when the Legislature adjourns to-day it be to meet again on Thursday, September 25, 1913, at eight-thirty o'clock P. M.

By order of the Senate,

PATRICK E. McCABE,
Clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

On motion of Mr. Levy, the House adjourned pursuant to concurrent resolution until Thursday, September 25th, at eight-thirty o'clock P. M.

THURSDAY, SEPTEMBER 25, 1913.

The House met pursuant to adjournment.

Prayer by Rev. Chas. W. Leitzell.

On motion of Mr. Levy, the reading of the journal of Friday, September 19th, was dispensed with and the same was approved.

Privileges of the floor were extended to Hon. F. Northrup of Dutchess.

On motion of Mr. Levy, the House adjourned until Friday, September 26th, at four o'clock P. M.

FRIDAY, SEPTEMBER 26, 1913.

The House met pursuant to adjournment.

Prayer by Rev. H. Liebich.

On motion of Mr. Levy, the reading of the journal of yesterday was dispensed with and the same was approved.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *September 26, 1913.*

Resolved (if the Assembly concur), That when the Legislature adjourns to-day it be to meet again on Monday, October 6, 1913, at 8:30 o'clock P. M.

By order of the Senate,

PATRICK E. McCABE,
Clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate with the message that the Assembly have concurred in the passage of the same.

On motion of Mr. Levy, the House adjourned until Monday, October 6th, at eight-thirty o'clock P. M.

MONDAY, OCTOBER 6, 1913.

The House met pursuant to adjournment.

Prayer by Rev. Chas. W. Leitzell.

On motion of Mr. Levy, the reading of the journal of Friday, September 26th, was dispensed with and the same was approved.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *October 6, 1913.*

Resolved (if the Assembly concur), That when the Legislature adjourns this day it be to meet again on Friday, October 10th, at 12:45 o'clock P. M.

By order of the Senate,

PATRICK E. McCABE,
Clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Schaap offered for the consideration of the House a resolution, in the words following:

Whereas, The Assembly of the State of New York did on the 18th day of September, 1913, adjudge one James C. Garrison guilty of contempt of said Assembly, and did direct and order that as punishment therefor he be taken into and held in the custody of the sheriff of the county of Albany, and by him kept, imprisoned, and detained in the Albany County penitentiary until the final adjournment of the present session of the Legislature, unless sooner discharged by the Assembly; and,

Whereas, By virtue of said resolution, and a warrant of commitment issued thereunder by the Speaker of the Assembly, under his hand and the seal of said Assembly, on the 18th day of September, 1913, said James C. Garrison was on said day taken into custody by said sheriff of the county of Albany and placed in the Albany County penitentiary, and has since been there kept, imprisoned and detained; now, be it by the Assembly of the State of New York,

Resolved and ordered, That said James C. Garrison be discharged and released from his said imprisonment and detention, and the sheriff of the county of Albany is hereby ordered, upon production and delivery to him of a certified copy of this resolution, to release and discharge said James C. Garrison from custody.

Debate was had thereon.

On motion of Mr. Levy, said resolution was ordered laid upon the table.

On motion of Mr. Levy, the House adjourned until Friday, October 10th, at twelve forty-five o'clock p. m.

FRIDAY, OCTOBER 10, 1913.

The House met pursuant to adjournment.

Prayer by Rev. C. V. Moldenhauer.

On motion of Mr. Walker, the reading of the journal of Monday, October 6th, was dispensed with and the same was approved.

[ASSEMBLY JOURNAL.] 20

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *October 10, 1913.*

Resolved (if the Assembly concur), That when the Legislature adjourns this day it be to meet again Tuesday, October 14th, at 11 o'clock A. M.

By order of the Senate,
PATRICK E. McCABE,
Clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

On motion of Mr. Walker, the House adjourned until Tuesday, October 14th, at eleven o'clock A. M.

TUESDAY, OCTOBER 14, 1913.

The House met pursuant to adjournment.

Prayer by Rev. Charles W. Leitzell.

On motion of Mr. Levy, the reading of the journal of Friday, October 10th, was dispensed with and the same was approved.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *October 14, 1913.*

Whereas, The Senate has learned with deep sorrow and regret of the death of the Hon. Timothy L. Woodruff, a former Lieutenant-Governor of our great State, whose unselfish devotion to the public welfare and whose genial personality won for him the respect and affection of all those who had the good fortune to know him.

Resolved, That when this House adjourns to-day it be out of respect to the memory of Hon. Timothy L. Woodruff; and be it further

Resolved, That a copy of these resolutions, suitably engrossed, be transmitted to the family of the deceased; and be it further

Resolved (if the Assembly concur), That a committee of seven members of the Senate be appointed by the President of the Senate, and seven members of the Assembly, to be appointed by the Speaker of the Assembly, to attend the funeral of the deceased.

By order of the Senate,

PATRICK E. McCABE,

Clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Levy offered for the consideration of the House a resolution, in the words following:

Whereas, One Menahil Mendel Tevief Beiliss, a subject of Russia, of the Jewish faith, has been charged with and is now on trial for an alleged "blood accusation" or "ritual murder" of one Andre Yushinsky, deceased, in the city of Kiev in the Empire of Russia; and,

Whereas, It is commonly reported that such charge is without foundation and was inspired by the "Black Hundred" reactionaries, an Anti-Semitic element in the said Empire, and the Russian secret police by amazing trickery having wickedly and wantonly aided and abetted therein; and,

Whereas, This charge was conceived and urged, as it is likewise reported with a view of inciting Anti-Jewish demonstrations and Pogroms and fanning into flame deep Russian prejudice against the Jews; and,

Whereas, Verification of the foregoing reports is found in the series of attacks made upon the prosecution in the said trial, among others by the chief Anti-Semitic organ, namely, the *Kievlanan*, a newspaper published in the said city and Empire, which indicted the nefarious method of the prosecution and analyzed the official accusation in merciless fashion; and,

Whereas, All Europe has filed protests with the Russian authorities against this Beiliss cruelty and inhumanity; and,

Whereas, Numerous petitions of remonstrance have been filed with such authorities, signed by thousands of the most influential men of Great Britain, Germany and France and even Russia itself; and,

Whereas, The Russian protests are even more vigorous than those

from other countries, having been urged by a number of members of the Russian Council of State, many members of the Russian Duma, many academicians and a large number of prominent university professors, lawyers and authors; and,

Whereas, Stories which have been printed in support of this alleged charge are terrible in their calumnious reference to the Hebrew religion, and a mere recrudescence of an ancient sinister and oft-exploded legend; and,

Whereas, The American high sense of justice is recognized the whole world over; therefore, be it

Resolved, That the Department of State of the United States be and it hereby is respectfully requested, through its diplomatic and high offices, to point out to the Russian authorities that persistence in these proceedings insofar as they are based upon the "blood ritual" charge will be offensive to the American people and to the government of the United States, and to strongly urge upon said authorities the necessity for their interposition to the end that a fair and impartial trial may be had in the premises; to use and employ all honorable means and its best endeavors in the interests of justice and common humanity; and be it further

Resolved, That a copy of this resolution be sent to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, the Secretary of State, and to each Representative in Congress from the State of New York.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined the affirmative.

On motion of Mr. Levy, and pursuant to concurrent resolution heretofore adopted, the House adjourned until Wednesday, October 15th, at eleven o'clock A. M.

WEDNESDAY, OCTOBER 15, 1913.

The House met pursuant to adjournment.

On motion of Mr. Levy, the reading of the journal of yesterday was dispensed with and the same was approved.

On motion of Mr. Levy, the House adjourned until Thursday, October 16th, at eleven o'clock A. M.

THURSDAY, OCTOBER 16, 1913.

The House met pursuant to adjournment.

Mr. Levy in the chair.

On motion of Mr. McMahon, the reading of the journal of yesterday was dispensed with and the same was approved.

On motion of Mr. McMahon, the House adjourned until Friday, October 17th, at ten o'clock A. M.

FRIDAY, OCTOBER 17, 1913.

The House met pursuant to adjournment.

On motion of Mr. Levy, the reading of the journal of yesterday was dispensed with and the same was approved.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *October 17, 1913.*

Resolved (if the Assembly concur), That when the Legislature adjourns to-day it be to meet again on Wednesday, October 22, 1913, at eight-thirty o'clock P. M.

By order of the Senate,

PATRICK E. McCABE,

Clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with the message that the Assembly have concurred in the passage of the same.

On motion of Mr. Levy, the House adjourned until Wednesday, October 22d, at eight-thirty o'clock P. M.

WEDNESDAY, OCTOBER 22, 1913.

The House met pursuant to adjournment.

Prayer by Rev. F. H. Martin, Watervliet.

On motion of Mr. Cuvillier, the reading of the journal of Friday, October 17th, was dispensed with and the same was approved.

Mr. Cuvillier offered for the consideration of the House a resolution, in the words following:

Whereas, The Assembly has learned with deep regret of the death of the Hon. James H. Finnigan, a member of this House for the year 1913 from the Thirteenth District of the county of Kings.

Resolved, That this House extends its sympathy to the members of his family in their bereavement.

Resolved, That the members of this House are hereby invited to attend the funeral to be held in the city of Brooklyn on Friday morning, October 24, 1913.

Resolved, That when this House adjourns to-night it adjourns out of respect to his memory and that a copy of this resolution suitably engrossed be transmitted to the members of his family.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *October 22, 1913.*

Resolved (if the Assembly concur), That when the Legislature adjourns to-day it be to meet again on Monday, November 10, 1913, at eight-thirty o'clock P. M.

By order of the Senate,

PATRICK E. McCABE,
Clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with the message that the Assembly have concurred in the passage of the same.

On motion of Mr. Cuvillier, the House adjourned until Monday, November 10th, at eight-thirty o'clock P. M.

MONDAY, NOVEMBER 10, 1913.

The House met pursuant to adjournment.

Prayer by Rev. C. W. Leitzell.

On motion of Mr. Levy, the reading of the journal of Wednesday, October 22, was dispensed with and the same was approved.

A message from the Governor by the hand of his secretary was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY, November 10, 1913.

To the Legislature:

I herewith transmit to you, a communication from the State Comptroller on the subject of the tax imposed on transfers of stock. It is recommended by the Comptroller that appropriate legislation be passed to safeguard the enforcement of the Tax Law in this regard and to prevent frauds against the law.

I, therefore, recommend for your consideration, this subject.

(Signed) MARTIN H. GLYNN,

STATE OF NEW YORK — COMPTROLLER'S OFFICE,
ALBANY, November 10, 1913.

HON MARTIN H. GLYNN, Governor, State of New York, Albany,
N. Y.

MY DEAR GOVERNOR.—The payment of the tax imposed by Article XII of the Tax Law in relation to the tax on transfers of stock is denoted by the use of adhesive stamps. In order to prevent the loss of revenue to the State through fraud, the manufacture of these stamps necessitates great care as it has been found that by the sale and re-use of stamps once used in the payment of this tax, the State has lost considerable tax.

Stamp dealers in Wall street, using the boys employed in brokers' offices as a conduit both for receipt and resale of these stamps, carried on an extensive business from the sale of such canceled stamps, and it was, therefore, found necessary for me to secure legislation to prevent this abuse. Accordingly, a bill was drawn and presented to the Legislature of 1911 providing against the sale of stamps by others than the authorized agents and banks, except by permission of the Comptroller. This bill was passed and became chapter 12 of the Laws of 1911, thus adding to the Tax Law a new section known as section 271-a.

In the enforcement of this section, an arrest was made for the illegal sale of stock transfer stamps. People ex rel. Isaacs vs. Moran, A. D. 226, reversed by the Court of Appeals in 206 N. Y. 670, on the dissenting opinion of Scott, J., of the Appellate Division. It was held that this section was unconstitutional as to stamps purchased after as well as before the date of its enactment.

"We, therefore, are of the opinion (says Mr. Justice Scott) that the act of 1911 in so far as it forbids the sale of stamps lawfully purchased before its passage by any persons except those speci-

fically enumerated in the act itself is unconstitutional and invalid. The question remains whether or not it is valid as to the sale of stamps purchased after its passage. If the act applied in terms only to such latter stamps, or if it made provision for the redemption of stamps lawfully purchased before its enactment we should find no difficulty in sustaining its validity."

This department has in process of manufacture a new issue of stock transfer tax stamps, so different in design that they can easily be distinguished from any heretofore used, and it was thought that this new issue would make constitutional section 271-a, but the Attorney-General in an opinion rendered this Department under date of July 31, 1913, advised:

"Accordingly, in order to render this section free from Constitutional objection it would seem to be necessary to amend it so as to make it in terms apply only to stamps purchased after its passage, or by adding a provision for the redemption of stamps lawfully purchased before its enactment."

This latter opinion of the Attorney-General regarding the redemption of stamps would give to the stamp dealers an opportunity to unload their supply upon the State, and it would necessitate a large appropriation, and I, therefore, think it advisable to adopt the following plans:

The plan devised by me is to put this new issue on the market at once, entirely withdrawing the present issue, and give notice that three months from the date of withdrawing the old issue will be allowed the holders of stamps of the present issue to use the stamps in their possession, and as the Attorney-General has advised me that some provision would also have to be made for the redemption of stamps in possession of the users, after the three months allowed for the use thereof, and in order to offset any future questions as to the constitutionality of the act, I suggest that provision be made for the exchange of stamps and that ninety days be allowed after the expiration of the three months for the exchange of stamps of the old issue for those of the new.

As brokers and general users of stamps rarely purchase a supply for more than one month, and as I have never refused a responsible person permission to sell stamps when proper application by letter has been made stating the number and value of stamps to be sold and the name and address of the purchaser, I deem the plan above suggested by me as the most appropriate and safest.

In view of the court's opinion and that of the Attorney-General it will be necessary to amend sections 271 and 271-a of the Tax Law providing for the new issue and the exchange thereof suggested, and the enclosed bill amending these sections has been drawn by

the Attorney-General. I, therefore, request that you recommend to the present session of the Legislature the enactment of this legislation.

Very truly yours,
WILLIAM SOHMER,
Comptroller.

By E. S. HARRIS,
Deputy Comptroller.

By unanimous consent, Mr. Levy introduced a bill entitled "An act to amend chapter sixty-two of the Laws of nineteen hundred and nine, entitled "An act in relation to taxation, constituting chapter sixty of the Consolidated Laws," in relation to the tax imposed on transfers of stock," which was read the first time.

On motion of Mr. Levy, and by unanimous consent, said bill was read the second time and ordered to a third reading and referred to the committee on taxation and retrenchment.

By unanimous consent, Mr. Cuvillier offered for the consideration of the House a resolution, in the words following:

Whereas, It was testified in the Court of High Impeachment that William Sulzer while Governor of the State of New York, and a member of the Bar of the State of New York, advised and requested one Duncan Peck, a witness in the Court of High Impeachment, to commit the crime of perjury in the Court of High Impeachment in the matter of the impeachment of William Sulzer the Governor of the State of New York.

Whereas, It was testified in the Court of High Impeachment that William Sulzer while Governor of the State of New York, and a member of the Bar of the State of New York, advised and requested one Henry Morganthau, a witness before the Court of High Impeachment, to commit the crime of subornation of perjury before the Court of High Impeachment in the matter of the impeachment of William Sulzer the Governor of the State of New York.

Whereas, William Sulzer was charged by the Assembly with high crimes and misdemeanors, asked and requested one Allan Ryan, a witness before the High Court of Impeachment, to use his influence to intimidate the members of said High Court of Impeachment from proceeding against said William Sulzer.

Whereas, The said William Sulzer, the Governor of the State

of New York, in conjunction with John A. Hennessy and others to commit the crime of conspiracy to have a convict in State's Prison give false testimony on a promise of pardon of said convict for giving such testimony, also using a detectaphone in violation of the Penal Laws of the State of New York.

Whereas, William Sulzer, a member of the Bar of the State of New York, while a private citizen, it is alleged made the assertion that the Court of Appeals decided the case of John Mitchell who was nominated by William Sulzer then Governor of the State of New York as Labor Commissioner, not according to the law but according to political ethics.

Resolved, That the Attorney-General place these charges before the grand jury of Albany county for indictment and criminal prosecution and also prefer charges to the State Bar Association against William Sulzer for his disbarment in the practice of law in the State of New York for alleged conduct unbecoming a counsellor-at-law of the State of New York.

Objection being made to the consideration of said resolution, ordered that the same be laid upon the table.

The Senate sent for concurrence the following entitled bill:

"An act to amend chapter sixty-two of the Laws of nineteen hundred and nine, entitled 'An act in relation to taxation, constituting chapter sixty of the Consolidated Laws,' in relation to the tax imposed on transfers of stock" (No. 48, Rec. No. 15), which was read the first time.

On motion of Mr. Levy, and by unanimous consent, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY.

To the Legislature:

It appearing to my satisfaction that the public interest requires it: Therefore, in accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of "An act to amend chapter sixty-two of the Laws of 1909, entitled 'An act in relation to taxation, constituting

chapter sixty of the 'Consolidated Laws,' in relation to the tax imposed on transfers of stock."

Given under my hand and the Privy Seal of the State at the Capitol in the city of Albany this 10th day of November in the year of our Lord one thousand nine hundred and thirteen.

MARTIN H. GLYNN.

By the Governor:

FRANK A. TIERNEY,
Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 96

NOES 00

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|-----------|----------------|-------------|
| Adler | Dorst | Hinman | Maloney | Seelye G T |
| Baxter | Dox | Hopkins | McDaniels | Silverstein |
| Benninger | Edwards | Horton | McElligott | Small |
| Bovie | Esquirol | Hughes | McGrath | Smith J A |
| Brereton | Fallon | Ingram | McKeon | Smith M |
| Bryant | Farrell | Jackson | McMahon | Sweet |
| Burden | Fitzgerald | Kelly J A | Monahan | Tallett |
| Bush | Fuller | Kelly J D | Norton | Taylor T D |
| Butts | Gage | Kelly P J | O'Brien | Telford |
| Campbell | Gallup | Kenney | Patrie | Tudor |
| Carroll | Garvey | Kerrigan | Phillips | Ulrich |
| Carver | Gillen | Kiernan | Pullman | Van Woert |
| Caughlan | Gillett | Knight | Robinson | Walker |
| Cole | Goldberg | Knott | Roza | Webb |
| Cronin | Grace | Levy | Schaa | Weil |
| Cuvillier | Greenberg A | Lewis | Schifferdecker | Willmott |
| Daley | Gurnett | Macdonald | Schnirel | Wood |
| Dennen | Hamilton | Madde | Schwarz | Yale |
| Denney | Hammer | Malone | Seely J L | Yeomans |
| Donohue | Hearn | | | |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *November 10, 1913.*

Resolved (if the Assembly concur), That ~~when the Legislature adjourns to-day it be to meet again on Monday, December 8, 1913, at 8:30 o'clock P. M.~~

By order of the Senate,

PATRICK E. McCABE,
Clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

On motion of Mr. Levy, and pursuant to concurrent resolution, Mr. Speaker declared the House adjourned until Monday, December the 8th, at 8:30 o'clock P. M.

MONDAY, DECEMBER 8, 1913.

The House met pursuant to adjournment.

Prayer by Rev. E. B. M. Brown, 51 East One Hundred and Twentieth street, New York city.

On motion of Mr. Levy, the reading of the journal of Monday, November 10th, was dispensed with and the same was approved.

A message from the Governor by the hand of his secretary was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER,

ALBANY, N. Y., *December 8, 1913.*

To the Legislature:

The Constitution of our State limits the Legislature's power of initiative in legislative matters, during extraordinary sessions, to those subjects of legislation which may be recommended for consideration by the Governor. I take it that this method of the Constitution imposes upon the Executive the duty to recommend to the Legislature, so in session, all subjects of legislation, for the immediate consideration and determination of which there is imperative public demand and necessity. In fulfillment of this duty and to invest the Legislature with constitutional power to act upon certain public questions and measures which, I am convinced, re-

quire your immediate consideration and wise action in order that our laws and the orderly administration of public affairs may be brought abreast of the advanced thought and the just demands of our modern civilization, I recommend for your consideration and action six separate subjects of legislation, viz.:

Legislation upon and relating to the subject of general elections;

Legislation upon and relating to the subject of primary elections and nominations for elective offices;

Legislation upon and relating to the subject of the nomination and election of Senators to the Congress of the United States;

Legislation upon and relating to the subject of compensation for injuries and death to workmen, including compulsory compensation;

Legislation upon and relating to the finances of the State and making appropriations for administrative and governmental purposes; and

Legislation upon and relating to the subject of a constitutional convention for the amendment and revision of the Constitution.

I have made the subjects of legislation recommended to you broad and comprehensive, so as to enable you to exercise the widest legislative discretion upon them, confident that it will be your patriotic endeavor to reflect in your deliberations and determinations a cordial, ready and efficient response to the wise and humane public sentiment which counsels and demands the prompt solution of the problems involved. I am also impelled to this course because I recognize that, under the Constitution, you are a co-ordinate branch of the government of the State, not subject to any control or direction by the Executive, but invested with your separate constitutional functions, powers and authority, for the exercise of which, you are responsible only to the people of the State, your constituents, and your own sense of public duty.

The power reposed in the Governor is exercised when he recommends these subjects to your consideration. The reasons for recommending them should be stated in order that my duty may be fully discharged, and my action justified.

THE MASSACHUSETTS BALLOT.

Upon the first subject submitted, I am satisfied that the enlightened public opinion of this day demands a change in our election laws that will substitute, in the place of the ballot now in use, the Massachusetts form of ballot, throwing about the changed method of voting all necessary safeguards to make easy, effective and sure the free exercise by every citizen of the State entitled to vote of the right of the elective franchise. The public opinion which demands this change is the development of years of study

and experience upon this subject. The selection of elective public officials should reflect the deliberate intention of the voters. In our day, we have come to recognize that it is unfair and unwise to impose upon our electors a method of voting that is designed to limit or make difficult the free expression of individual choice and judgment. The party column in our present ballot promotes party voting and hampers individual choice and judgment. The Massachusetts form of ballot, safeguarded as I have suggested, will not only enable, but will require the voter to deliberately express his sovereign will with respect to every office and upon every candidate for office. Such is the duty of good citizenship as the public sentiment of to-day defines it. Far be it from me to minimize the importance of parties in this great country of ours. I have no misgivings as to the great public good that results from party loyalty and party earnestness in the promotion of wise principles and policies of government. But party membership should recognize, and I am sure, in large measure does recognize that, aside from the organized parties, there is a large and controlling citizenship that refuses to ally itself with any party, and demands, as is its right, the privilege of individual choice, judgment and selection. This great body of our citizenship has as much right as party membership to the equal protection of the law in its exercise of the elective franchise. That it has not that equal protection under the existing method of voting is plain, and, in that fact, lies a great public injustice. This should be remedied. Parties and party membership will not suffer from laws that assure equality to the entire electorate. Parties and party membership have no right to preference in the convenience, safety and efficiency of voting.

Therefore, no injustice to parties or to party members is involved in this change, for parties will endure, and party members will readily accommodate themselves to any method of voting. Equality will be accomplished by this change and an injustice, which has doubtless resulted in much or partial disfranchisement of a large body of our electorate, will be overcome. In this great State, where manhood suffrage is our proud conception of the right of citizens to participate in our free government, a method of voting which insures equality of right to every elector is just and fair and honorable and squares exactly with our American spirit of fair play.

DIRECT PRIMARIES.

For years there has been crystallizing, and there is to-day a pronounced and insistent demand for legislation which will insure to members of political parties equality of participation in party activities. Legislation, now and then, in the years that

have passed, although wholly inadequate to meet the demand, has nevertheless established it as the public policy of the State to throw around party management and party primaries the protection of the law. At your session in the year 1911, the first direct primary election law was passed. It evidenced in a pronounced degree the advance of public sentiment upon this subject. But it falls far short of the requirements of to-day. I need not say to you, for it is known of all men, that public opinion will not now be satisfied with less than a direct primary law, state-wide in its application, which will require the nomination of every candidate for public elective office in the organized parties by the direct vote of the enrolled members of the parties in their party primaries, without the intervention of delegates or conventions, and with the absolute assurance of exact equality to all candidates for party nominations. The existing Primary Law has abolished all nominating conventions, except the State convention. Legislation, responsive to unmistakable public opinion, is now demanded which will abolish State conventions and leave to party membership in the party primaries the direct nomination of candidates to be elected by the entire State. To insure equality among party members in party primaries, this same public opinion demands the simplification of the method of primary voting, such as would result from the requirement of the Massachusetts form of ballot, the withdrawal of the party emblem, the abolition of the system of party designations and the reduction to the minimum of wisdom of the number of electors required upon designating petitions. These changes will unquestionably make for equality. The use of the Massachusetts form of ballot will insure and require deliberate selection of candidates. The withdrawal of the party emblem and the abolition of party designations will prevent, to a great extent, organization preference among candidates. The reduction of the number of signers upon designating petitions will open the field to all aspirants, limited only by the requirement that they show by their designating petitions sufficient popular support to justify the public expenditures involved in printing their names upon the ballot.

Public opinion demands such a direct primary law with the details worked out to make it fair and efficient for the accomplishment of the general purpose. I am well aware that there is a very respectable difference of opinion as to the wisdom of some of these changes, notably as to the abolition of State conventions. I need not recount the arguments, *pro* and *con*, for they are well known. It is my conviction that the people whose servants we are, have weighed all these arguments and have decided, as unmistakable public opinion clearly evinces, that the State convention, as well as all the other conventions, must be

discarded, and that all party nominations for elective office must be made by the enrolled party members directly by their votes in the party primaries. If I am right in my estimate of public opinion, I am sure that you will readily respond to it by the enactment into law of this public desire. The sufficient reason is that the public demands it. The justification for it, I am confident, will be found in the equality of participation which it will insure to party members, thereby making party management reflect party sentiment, and giving to party activities the vigor, strength, virtue and enthusiasm which will promote the general welfare and make our institutions of government better, safer and more surely enduring.

ELECTION OF UNITED STATES SENATORS.

It is necessary that legislative attention should be given to the change wrought in the matter of the election of Senators to the Congress of the United States by the recent amendment of the Federal Constitution which enables the people to directly choose such representatives. I recommend that this wise change, for which we have striven so long and earnestly, be now so regulated and arranged by appropriate laws that our Senators in Congress hereafter shall be the deliberate and direct choice of the electorate of the State.

WORKMEN'S COMPENSATION.

By chapter 518 of the Laws of 1909, an act, denominated "Workmen's compensation in certain dangerous employments," was passed by the Legislature. The power of the Legislature to enact the features of this law which provided for compulsory compensation to injured employees from their employers was denied by our Court of Appeals in the case of *Ives against South Buffalo Railway Company*, reported in volume No. 201 of the New York Court of Appeals Reports, at page 271. The effect of this decision was to deprive the Legislature of the power to enact such laws, while the Constitution remained unchanged.

With all the deliberation required by the Constitution, supplemented by the votes of the people at the recent election, appropriate provisions have now been incorporated in the Constitution to invest the Legislature with the power, the absence of which condemned the law of 1909. There is, therefore, apparently now no legal objection to the enactment of a law upon the principle involved. That a workmen's compensation law, compulsory in its character, is demanded by every principle of justice and every consideration of right and humanity will not, I am sure, be gainsaid. Legislation, appropriately recognizing the right to compulsory compensation to

injured employees, and to the families dependent upon those whose lives have been lost in their employment, and safeguarded by wise and proper restrictions to prevent injustice, is the demand of modern society. Our State recognized the wisdom and propriety of such legislation in 1909. It recognized it again in adopting by two sessions of the Legislature the proposed amendment to the Constitution to permit the enactment of such a law. And now the people have confirmed and approved this public policy by writing it into our fundamental law. Other States and the nation at large have led us in this humane and salutary policy. We should not lag behind in a matter which so vitally affects the happiness, the hope and the comfort of so large a proportion of our citizens. The State has hearkened to this demand of justice and humanity. The delay has been all too great, but, now that the people have conferred the power, not a minute further should be lost. Let us hope that the delay has not been wholly unprofitable, and that we may now, guided by the experience of other States, enlightened by the growing wisdom of mankind upon this subject and fortified by the unfailing justice of the cause, write upon our statute books a workmen's compulsory compensation law that will place our great State in its proper position, leading in this great cause of justice and humanity, for its own honor and for the beneficent results that such a cause, wisely and intelligently advanced, will bring to all mankind.

MATTERS OF FINANCE.

Unfortunately, much confusion and chaos was worked in our departmental and fiscal affairs by the manner in which the financial legislation of the regular session of this year was handled. The State has a legacy of debt and financial disorder which it is our duty to pay and rectify. I, therefore, recommend this subject and the general subject of the State's financial condition to your consideration. The details of these requirements have been worked into the form of proposed legislation, which I will cause to be submitted. I need not urge upon you the necessity for careful and prudent attention to these matters. They involve the honor and integrity of the State and call for that wise and fair treatment that will make for order, efficiency and economy in the administration of the State's business.

CONSTITUTIONAL CONVENTION.

Finally, I urge upon you legislation that will bring about an early convention for the revision of the Constitution. The public has demanded this legislation. This Legislature at its regular

session passed such a law. The necessity for your favorable action now need not, therefore, be elaborated. Good faith towards the people is involved, for an early constitutional convention to revise and improve the Constitution was one of the pledges upon which the present Democratic administration was entrusted with the powers of government. To redeem that pledge is our duty.

The Democratic State platform of 1912 promised the calling of a constitutional convention "without delay." The Progressive Party State platform pledged itself to the convening of a State constitutional convention "at the earliest possible time." The Republican State platform declared in favor of the determination of the question, as to whether or not there should be a constitutional convention, at the election just passed. Thus these organized parties, dealing with this subject, were in substantial accord, and, in advocating this legislation, I am suggesting the redemption of the pledges of the Republican, and Progressive and the Democratic parties.

The election reforms, recommended in this message, will be brought, in my opinion, to their full fruition for the public good, if a "short ballot," so-called, shall be adopted. The Legislature has not now the power to pass such legislation, for the reason that the Constitution provides for the election by the people of the several State officers. In order that legislative authority may be conferred to enact a short-ballot law, the Constitution must be amended so as to make some of the State officers appointive, instead of elective. Then the Legislature will be at liberty to proceed for the accomplishment of the public desire which now so predominantly favors the short ballot.

This subject is so important an element in the reform of our election laws, and it is of such vital concern to the people at large, that a constitutional convention at the earliest opportunity is urgently needed. There are other subjects demanding this legislation. Many of them call insistently for prompt solution. They cannot be solved promptly, except through the agency of a constitutional convention. Therefore, the recommendation which I make in this regard is demanded by public sentiment, by the platform promises of the three leading parties, and by a pronounced public opinion.

MARTIN H. GLYNN.

By unanimous consent, the following bills were introduced:

The committee on the judiciary introduced a bill entitled "An act to amend the Election Law, generally" (Int. No. 35), which

was read the first time and referred to the committee on the judiciary.

Mr. Sullivan introduced a bill entitled "An act to amend the Election Law, in relation to nominations and primaries" (Int. No. 36), which was read the first time and referred to the committee on the judiciary.

The committee on the judiciary introduced a bill entitled "An act to amend the Election Law, in relation to direct primaries and to elections generally" (Int. No. 37), which was read the first time and referred to the committee on the judiciary.

Also, "An act to amend the Election Law, in relation to the direct election of United States Senators" (Int. No. 38), which was read the first time and referred to the committee on the judiciary.

Also, "An act to provide for submitting to the people the question 'Shall there be a convention to revise the Constitution and amend the same?' and to provide for such convention, if a majority of the electors shall decide that such convention be held" (Int. No. 39), which was read the first time and referred to the committee on the judiciary.

The committee on insurance introduced a bill entitled "An act in relation to assuring compensation for injuries or death of certain employees in the course of their employment and repealing certain sections of the Labor Law relating thereto, constituting chapter sixty-seven of the Consolidated Laws" (Int. No. 40), which was read the first time and referred to the committee on insurance.

Also, "An act to amend the Insurance Law, in relation to the creation of mutual companies to insure employers against loss, damage or compensation resulting from injuries suffered by employees or other persons for which the person insured is liable" (Int. No. 41), which was read the first time and referred to the committee on insurance.

Also, "An act to amend the Insurance Law, in relation to the approval of premium rates of corporations and associations transacting the business of workmen's compensation insurance" (Int. No. 42), which was read the first time and referred to the committee on insurance.

By unanimous consent, Mr. Goldberg offered for the consideration of the House a resolution, in the words following:

Whereas, There is great dissatisfaction among the citizens of the city of New York and because they have complained of the excessive rates and charges of the New York Telephone Company, a public utility corporation, regarding its operations in the city of New York; and,

Whereas, The Legislature of the State of New York of 1913 had shown its interest in said question by the passage of a bill, providing that the telephone rate between any two points within New York city for a telephone conversation of not more than five minutes should not exceed the sum of five cents, said bill also making provision for credit in case of overcharge; and,

Whereas, Said measure failed to become a law by the reason of the fact that Governor Sulzer insisted upon its recall by its introducer; and,

Whereas, Over one hundred organizations have been represented at the public hearings held in the city of New York before the Public Service Commission in the Second District; and,

Whereas, They have demanded a reduction in said rates and tolls so that the maximum rate should not be more than five cents and the minimum rate not less than two cents a call; and,

Whereas, The public interest demands a speedy disposition and adjustment of this all important matter to the telephone user — the subscriber as well as to the public pay station patron; and,

Whereas, Public hearings on matters involving complaints of the nature set forth herein have been unnecessarily delayed by the corporation interests; and,

Whereas, The newly elected Legislature of 1914 convenes on the 7th day of January next, when legislation on this all important question can and will be introduced if necessary, to bring about a final adjustment of the question now under consideration; therefore be it

Resolved, That the Public Service Commission in the Second District, which has this question under consideration and is holding hearings in the city of New York on this matter, be requested to speedily dispose of the same so it can be able to express its attitude thereon prior to convening of the new Legislature; and, therefore, be it further

Resolved, That the Public Service Commission grant no further adjournments or delays to the New York Telephone Company or its subsidiaries for any cause or on any application and that it proceed at its next session now set for December 22, 1913, without delay and hold its hearings daily until the matter is closed; be it further

Resolved, That a copy of this resolution be sent by the Clerk of the Assembly to the Public Service Commission in the Second District.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

On motion of Mr. Levy, the House adjourned until Tuesday, December 9th, at eleven o'clock A. M.

TUESDAY, DECEMBER 9, 1913.

The House met pursuant to adjournment.

Prayer by Rev. Charles W. Leitzell.

On motion of Mr. Levy, the reading of the journal of yesterday was dispensed with and the same was approved.

On motion of Mr. Levy, the House adjourned until Wednesday, December 10th, at eleven o'clock A. M.

WEDNESDAY, DECEMBER 10, 1914.

The House met pursuant to adjournment.

Prayer by Rev. J. W. Moldenhauer.

On motion of Mr. Levy, the reading of the journal of yesterday was dispensed with and the same was approved.

A message from the Governor by the hand of his secretary was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY, December 9, 1913.

To the Legislature:

I recommend to you for your consideration and action, as a subject of legislation, the amendment of chapter 541 of the Laws of 1912, entitled "An act to provide for the representation of the State of New York, at the Panama-Pacific International Exposition at San Francisco, California, celebrating the opening and commercial use of the Panama canal, and making an appropriation therefor."

The Legislature in 1912 authorized the appointment of a Commission to represent this State at the Exposition referred to in

the title of the act. That Commission was appointed and its members are still in office. They should be continued in office. The opening of the Panama canal for commercial use will rank in history as the accomplishment of one of the greatest enterprises of world-wide importance and of universal benefit. To celebrate this important and historical event in the great city at our country's western gates commands the support and encouragement of the entire nation. It is eminently fitting, therefore, that the State of New York should be represented at this event. The delegates already appointed and in office have taken the preliminary steps necessary to look after the proper appearance of the State of New York at the celebration. I am assured, however, that there should be an increase in the number of representatives in order that the delegation may be widely representative of the various interests within our State to which this celebration is particularly attractive. I have yielded to this suggestion and therefore recommend that the law be amended so as to allow the appointment of three additional commissioners. In view of the fact that the appointment of these additional commissioners will not increase the appropriation which the State has already made for the purpose of defraying the State's part in the celebration mentioned, there can be no objection to yielding to the apparent requirement of a full and fair representation of the State through commissioners selected with a view to make the representation such and especially in view of the fact that the aggregate appropriation from the State's treasury in connection with the celebration will not thereby be increased.

(Signed) MARTIN H. GLYNN.

A message from the Governor by the hand of his secretary was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY, December 9, 1913.

To the Legislature:

By chapter 350 of the Laws of 1913, the Armory Commission was intended to be empowered to replace the rifle range at Blauvelt by another, for promoting and maintaining the efficiency of the National Guard and Naval Militia. The Adjutant-General of the State, relative to this matter has recommended that certain changes in the present Military Law are necessary to permit the prompt acquisition of land for the purposes stated in the said chapter above referred to.

The Adjutant-General advises me in writing as follows:

“STATE OF NEW YORK — THE ADJUTANT-GENERAL’S OFFICE,
“ALBANY.

“I respectfully request that an emergency message be sent to the Legislature advising the passage of the enclosed bill entitled ‘An act to amend the Military Law relative to the condemnation of real property by armory commissions for the purpose of State camping grounds or for rifle practice or other military or naval purposes.’

“By chapter 350, Laws of 1913, the Legislature enabled the Armory Commission to replace the rifle range at Blauvelt by another, for promoting and maintaining the efficiency of the National Guard and Naval Militia. It has been found that the titles to some of the land necessary to this purpose are such that we cannot reasonably expect a final adjudication of condemnation proceedings for more than a year, within which time the rifle and field artillery practice must be had. For this purpose, the actual construction ought to be begun now.

“The purpose of the present bill is to shorten the judicial proceedings in obtaining the necessary land. Precedents are found in the Barge Canal Act, the Saratoga Springs Reservation Act, and the Forest, Fish and Game Law. The passage of the legislation sought is necessary to give effect to the law now on the statute book.”

I respectfully urge that this Legislature immediately give prompt and favorable consideration to the recommendations made by the Adjutant-General of the State and pass the requisite legislation, to speed the passage of it I shall transmit an emergency message.

(Signed) MARTIN H. GLYNN.

A message from the Governor by the hand of his secretary was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,

To the Legislature: ALBANY, December 9, 1913.

I recommend to you for your consideration and action, as a subject of legislation, the amendment of section 168 of the Judiciary Law. The necessity for the amendment of this section arises from obscurity and confusion which has arisen from the multiplicity of statutes affecting the subject matter of this section, and their amendment from time to time, so that the status of those concerned is not now clear. An amendment of this section merely declaratory of the legislative intention contained in the several statutes and amendments thereof that have been passed from time to time, will preclude the possibility of unnecessary litigation in the matter.

(Signed) MARTIN H. GLYNN.

A message from the Governor by the hand of his secretary was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY, December 9, 1913.

To the Legislature:

I recommend to you for consideration and action, as a subject of legislation, the amendment of section 291 of chapter 9 of the Laws of 1909, entitled "An act in relation to agriculture, constituting chapter one of the Consolidated Laws as amended by chapter 366 of the Laws of 1910; and also an amendment of section two of chapter 48 of the Laws of 1909, entitled "An act in relation to public buildings, constituting chapter forty-four of the Consolidated Laws."

These amendments appear to be necessary in view of an uncertainty in the provisions of the Constitution with regard to the title of the successor to the office of Lieutenant-Governor. In order that there may not be a vacancy left in the Board of Trustees of Public Buildings or in the State Fair Commission, because of these uncertainties, I deem it wise for the proper administration of these boards and commissions that the changes proposed in the amendments to be submitted be enacted into law.

(Signed) MARTIN H. GLYNN.

A message from the Governor by the hand of his secretary was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY, December 9, 1913.

To the Legislature:

To promote efficient administration by the newly elected county officers in the new county of the Bronx, it is imperatively necessary because of omissions in the present law erecting and creating the said county of the Bronx, that at this time, legislation be enacted relating to the office of the county clerk of the county of the Bronx, and relative to the enpanelling functions and duties of the grand and petit juries of said county.

I am advised that at the present time no legislation exists, permitting or authorizing any grand or petit juries in the county of the Bronx to transact the necessary judicial business of that county, which is usually performed by such bodies.

It is unnecessary for me to state or urge upon the members of this Legislature that legislation affecting these subject matters should be enacted and in force on or before January 1, 1914.

I shall cause to be submitted bills covering these matters and

urge that you give them your favorable consideration, and promptly enact them into law.

For the purpose of speeding their enactment, I shall accompany such bills by emergency messages.

(Signed) MARTIN H. GLYNN.

A message from the Governor by the hand of his secretary was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY, December 10, 1913.

To the Legislature:

I am advised that a distressing financial condition exists in the city of Geneva. The facts as I am advised are that the city of Geneva through its proper authorities has constructed and desires to put into immediate operation a new water filtration plant to supply its citizens with potable water, and more than two years ago an attempt through the city officials was made to issue bonds to the extent of \$40,000 in payment of the said project.

It is proposed at this time to validate the said bonds so issued by the city of Geneva. In this case the officials of the city of Geneva have attempted to validate and legalize these bonds through court proceedings, as prescribed by article 2-a of the General Municipal Law, which was added by chapter 769 of the Laws of 1911, and as I am advised the Appellate Division of the fourth department within the past week, after consideration, has determined that the court is without authority and power to validate and legalize these bonds, and that the same must be accomplished by legislative enactment.

Under the circumstances, the city of Geneva having exhausted all of its legal remedies as prescribed by statute, I deem it my duty to submit to this Legislature for its consideration, a measure which will legalize the said issue of \$40,000 of bonds by the said city of Geneva.

MARTIN H. GLYNN.

A message from the Governor by the hand of his secretary was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY, December 10, 1913.

To the Legislature:

I respectfully recommend to your favorable consideration, a measure relating to the salaries of certain male teachers serving in the public schools in the greater city of New York.

The bill which I shall cause to be submitted relative to this subject matter, embodies provisions and produces a result which has been agreed upon by the educational authorities of the city of New York. In effect a bill identical in purpose was unanimously passed by this Legislature at its regular session, was accepted by the late mayor of the city of New York and transmitted to the then Governor of the State on May 13, 1913. It failed to receive the Governor's approval for the reason that on May 15, 1913, he approved chapter 534 of the Laws of 1913, which affected in a similar manner, certain male teachers of the city of New York, but in a different or higher grade than those affected by the present proposed bill. Had the Velte bill, which was vetoed, been approved by the Governor, it would have resulted in the repeal of chapter 534 of the Laws of 1913. The Governor, under the circumstances, deemed it his duty to veto it and did so in the Omnibus Veto.

I am advised that about forty male teachers are affected by this proposed measure and its enactment into law will be a simple act of justice by removing an inadvertent discrimination against these teachers in the matter of salary and such purpose has already met with the approval of everyone interested.

Under the circumstances I respectfully recommend that this matter receive your favorable consideration and urge a prompt passage of the proposed bill.

MARTIN H. GLYNN.

A message from the Governor by the hand of his secretary was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY, December 10, 1913.

To the Legislature:

The authorities of the city of Binghamton have requested me to recommend for your consideration and action legislation providing for the issue of emergency notes for the purpose of enabling the city to meet a condition with regard to defraying the expenses of the management of its schools, which has unfortunately arisen and which in the interest of the proper maintenance and management of the schools requires immediate attention. I am advised by the local authorities that the deficiency which this method of legislation is intended to overcome has grown out of the fact of the increasing necessities of the schools of Binghamton and the further fact that a bill passed by the Legislature in its regular session this year to relieve the condition complained of and which must be overcome in order that the schools may perform their proper function, was vetoed by the Governor. The

board of education of the city of Binghamton declares that it is absolutely necessary that this legislation be perfected into law at the earliest possible moment in order to avoid injury to the school system in that city. The bill proposed is a local bill advocated by the local authorities who have to do with the matter. They assert that an unfortunate condition, detrimental to the welfare of their school system has arisen and that this legislation is necessary to relieve it. I, therefore, submit the subject to you for your consideration and action.

(Signed) MARTIN H. GLYNN.

A message from the Governor by the hand of his secretary was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY, *December 10, 1913.*

To the Legislature:

I respectfully ask your favorable consideration of two certain measures necessary to be enacted at this time, to permit of the proper and efficient administration of public business in the newly created county of the Bronx.

Up to the present time no legislation exists which makes any proper or adequate provision for the making and copying of records of conveyances and other legal instruments required by law to be kept and recorded in the register's office of the county, as regards the register of the county of the Bronx, and in respect to this subject matter, I am advised that after careful consideration between the authorities of the county of New York and those of the county of the Bronx, that provision for the transfer of certain records now in the register's office of New York county has been agreed to and embodied in a proposed bill which I shall cause to be submitted simultaneously with the introduction of this message. In addition the said bill provides for the making and copying of certain other records necessary for the official records required by law, to be kept in the office of the register of the county of the Bronx, and also in the register's office of the county of New York.

Legislation is also required to permit and authorize the proper and appropriate publication of legal notices in the county of the Bronx, and to accomplish that end a bill will be introduced, for which I urge your favorable consideration at this time.

MARTIN H. GLYNN.

By unanimous consent, Mr. Hinman offered for the consideration of the House a resolution, in the words following:

Whereas, On the 8th day of December, 1913, in a special message to the Legislature, Governor Glynn in enumerating the topics

recommended for its consideration specified among others "legislation upon and relating to the finances of the state and making appropriations for administration and governmental purposes; and,

Whereas, On the 31st day of December, 1910, Frank M. Williams, then State Engineer and Surveyor, whose term ended on that day, transmitted a report to the Legislature of the progress of work upon the Barge canal, in the course of which he said "I repeat the statement that the whole canal can be built within the original appropriation, since 96 per cent of the entire length of the canal is under contract at prices aggregating two or three million dollars less than the appropriation for these pieces of work, and since a contingent fund of about \$4,000,000 included in the original appropriation has not been drawn upon, this prediction seems well founded."

Whereas, In the said report it was stated that the Champlain Barge canal would be completed for the opening navigation in the spring of 1913, and that next spring the Oswego canal and part of the Erie canal would be opened for navigation and the entire canal finished by the spring of 1915; and,

Whereas, It is stated by the current report of Hon. John A. Benschel, transmitted to the present Legislature last January, that contractors on the Champlain Barge canal failed to complete their contracts, and that it was necessary for the Canal Board to cancel certain contracts and readvertise, and that this failure has delayed the opening of the canal until next spring; and,

Whereas, There is no indication that that portion of the canal will be actually opened next spring; and,

Whereas, It appears in the same report that the canal cannot be finished within the \$101,000,000, but that it will take at least \$110,000,000, to pay for the canal, and that a situation will arise next year when the entire funds appropriated by the State will be exhausted, and the State will be under further obligations for expense for which there will be no funds available; and,

Whereas, It appears in a certain litigation that contractors were permitted to abandon their contracts after having removed the earth excavation and having received therefor a price averaged upon the excavation of rock, whereby the cost of the work was enormously enhanced; and,

Whereas, It appears in a public statement by Governor Glynn, at that time Lieutenant-Governor and a member of the Canal Board, that funds were being applied from the appropriation of \$101,000,000 to work not contemplated by the original plans; and,

Whereas, Large sums have been expended for emergency work under so-called extra or unspecified work orders; and,

Whereas, It has been stated in the public press that the present State Engineer has recently announced that the total cost of the Barge canal will exceed \$146,000,000 requiring an additional bond issue of nearly \$50,000,000 to complete the Barge canal; and,

Whereas, The total authorized bonded debt of the State is now \$220,000,000 and its bonds were found unsalable last fall so that short term notes had to be issued at high rates of interest and the credit of the State was thereby impaired; therefore, be it

Resolved (if the Senate concur), That the State Engineer and Surveyor be and hereby is requested to present to the Legislature of 1914, upon the day on which it convenes, a detailed report showing:

1. What has been the expenditure during his term of office for actual construction work. How much has been expended under the title of emergency work and extra or unspecified work orders.

2. How much has been paid from funds accruing from bond issues under his administration for engineering expenses and a detailed report of what those engineering expenses include and how far the Civil Service regulations have been complied with in the expenditure of such money, and a further detailed report of the expenditures of all moneys not actually paid to contractors for construction work.

3. What contracts have been cancelled and relet in the course of his administration. What has been the extra expense to the State thereby and what attempts have been made to hold the contractors failing to complete their contracts liable on their bonds, and what was the loss to the State by reason of delay.

4. That he also report what has become of the contingent fund of \$4,000,000 referred to in the report of Frank M. Williams, December 31, 1910, and the \$3,000,000 excess created by the letting of contracts at prices less than the original appropriation for that specific portion of the work.

5. That he give the Legislature a full statement of all new contracts let during his administration, the amount of work covered by these contracts and a statement of the cost of work under such contracts as compared with the cost of similar work under previous administrations.

6. That he also render a statement of any and all supplemental agreements during his administration of changes in original contracts or whether the cost of construction was increased or decreased thereby and how much.

7. That he render a statement of all contracts or work done during his administration without competitive bidding and of all competitive lettings of contracts. How many competitors put in bids. What those bids amounted to and whether the contract in each case was let to the lowest bidder.

8. That he state how much money will be required to complete the canal, without reference to claims for damages, the acquirement of lands or the payment to riparian owners and when, in his opinion, work on the canal must cease for lack of funds unless there be a further appropriation or bond issue.

Which was ordered laid upon the table until Thursday, December 11th.

By unanimous consent, the following bills were introduced:

Mr. Carroll introduced a bill entitled "An act to amend the Greater New York charter, in relation to salaries of the teaching staff of the board of education" (Int. No. 43), which was read the first time.

On motion of Mr. Carroll, and by unanimous consent, said bill was read the second time and ordered to third reading and referred to the committee on affairs of cities.

Mr. Cuvillier introduced a bill entitled "An act to amend the Military Law, relative to the condemnation of real property by armory commissions for the purpose of State camping grounds or for rifle practice or other military or naval purposes" (Int. No. 44), which was read the first time.

On motion of Mr. Cuvillier, and by unanimous consent, said bill was read the second time and ordered to third reading and referred to the committee on military affairs.

The Senate sent for concurrence the following entitled bills:

"An act to amend chapter five hundred and forty-one of the Laws of nineteen hundred and twelve, entitled 'An act to provide for the representation of the State of New York at the Panama-Pacific International Exposition at San Francisco, California, celebrating the opening and commercial use of the Panama canal, and making an appropriation therefor,' in relation to the membership of the commission" (No. 56, Rec. No. 16), which was read the first time and referred to the committee on ways and means.

"An act relating to grand and trial jurors in the county of

Bronx" (No. 57, Rec. No. 17), which was read the first time and referred to the committee on the judiciary.

"An act to amend the Agricultural Law, in relation to the membership of the State Fair Commission" (No. 58, Rec. No. 18), which was read the first time and referred to the committee on ways and means.

"An act to amend the Public Buildings Law, in relation to the trustees of public buildings" (No. 59, Rec. No. 19), which was read the first time and referred to the committee on the judiciary.

"An act to amend the Judiciary Law, in relation to clerks, attendants, messengers and court officers in Kings, Queens and Richmond counties" (No. 62, Rec. No. 20), which was read the first time and referred to the committee on the judiciary.

"An act to legalize an issue of forty thousand dollars of bonds of the city of Geneva, authorized at a special election in said city held May twenty-third, nineteen hundred and eleven" (No. 63, Rec. No. 21), which was read the first time and referred to the committee on the judiciary.

"An act to amend the Greater New York charter, in relation to salaries of the teaching staff of the board of education" (No. 64, Rec. No. 22), which was read the first time and referred to the committee on affairs of cities.

"An act authorizing the city of Binghamton to issue emergency notes for the purpose of maintaining the public schools" (No. 65, Rec. No. 23), which was read the first time and referred to the committee on affairs of cities.

"An act to authorize the transfer of certain public records from the office of the register of the county of New York to the office of the register of the county of Bronx, and the making and certification of certain other records and to fix the fees of the register of the county of Bronx" (No. 66, Rec. No. 24), which was read the first time and referred to the committee on the judiciary.

On motion of Mr. Levy, the House adjourned until Thursday, December 11th, at eleven o'clock A. M.

THURSDAY, DECEMBER 11, 1913.

The House met pursuant to adjournment.

Prayer by Rev. Charles W. Leitzell.

On motion of Mr. Levy, the reading of the journal of yesterday was dispensed with and the same was approved.

A message from the Governor by the hand of his Secretary was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,

ALBANY, December 11, 1913.

To the Legislature:

When it became incumbent upon me, nearly two months ago, to assume the duties of the office of Governor, I deemed it wise to take an inventory of the Department and its business and finances for the purpose of ascertaining the duties thus imposed upon me and the means provided for the execution of those duties. The Commissioner of Efficiency and Economy, at my suggestion, immediately entered upon an investigation of the financial situation of the Executive Department under the appropriations made by law for its support. It became at once apparent, as the investigation proceeded, that debts had been contracted in the name of the State for sums far in excess of the amount authorized by law to be expended for the conduct of the business of the Department. The Commissioner of Efficiency and Economy has analyzed and tabulated the various items of indebtedness to which I refer. Many items which do not involve any liability on the part of the State, but which, nevertheless, are debts charged against this Department, were found and they have been eliminated from all consideration because I will not tolerate the allowance against the State in my Department of any bills that are not properly chargeable to the State. A large amount of indebtedness in excess of appropriations was contracted for purposes which may fairly be said to be within the work of the Department, even though this excessive expenditure is neither justifiable under the law nor apparently necessary for the proper conduct of the Department. However, the merchants and other creditors of the State to whom this indebtedness is due are entitled to be paid, for it cannot be assumed that they were aware that the debts contracted with them were beyond the lawful authority of the department because beyond the amount appropriated by law for the department, and these creditors apparently furnished the supplies and extended the credit given in

the regular course of their business with nothing appearing to justify a question of their entire good faith and honesty. Under these circumstances, it is the duty of the State to either pay these claims or to repudiate them because they were unlawfully contracted beyond the amounts of the various appropriations allowed by law to the Executive Department. It in my judgment would be highly improper for the State to take technical advantage of those who have furnished supplies and rendered services to it in good faith and without any reason to apprehend that there was anything unlawful on the part of the officials who contracted the debts. The State of New York cannot afford to repudiate debts contracted by its officers with citizens to whom no blame can rightfully be attached. Therefore, I recommend the payment of these debts. The Commissioner of Efficiency and Economy, upon my direction, has itemized the amounts to which I refer and they are placed in itemized form in a bill which I will cause to be delivered to the Legislature for its consideration. It is unnecessary for me now to call particular attention to any of these items, as they are set forth in the bill referred to in sufficient detail to carry with them each its own explanation.

It is good business principle to start an administration or a period of business with the finances of the Department or concern rectified and in proper form. The bill which I recommend will place the financial affairs of the Executive Department in such condition that I may appropriately be held responsible for what may occur with respect to those finances in the future. I do not assume any responsibility for the conditions which have made the introduction of this measure necessary.

Therefore, I submit this subject of legislation to you for your consideration and action.

MARTIN H. GLYNN.

A message from the Governor by the hand of his Secretary was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,

ALBANY, December 11, 1913.

To the Legislature:

I am advised that the ordinance recently passed by the board of aldermen of the city of New York by a vote of 65 to 1, known as the "Taxi Cab Ordinance", cannot be effectively enforced as the said board of aldermen is without power or authority to create laws or ordinances providing for a penalty for breach or violation of the said ordinance.

For the purpose of providing a penalty for violation of the said "Taxi Cab Ordinance" and thus to permit of its effective enforcement, I respectfully urge the consideration by this Legislature of a measure which will accomplish such end.

(Signed) MARTIN H. GLYNN.

A message from the Governor by the hand of his Secretary was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,

ALBANY, December 11, 1913.

To the Legislature:

In the appropriation and supply bills passed by you at the regular session this year, many items were incorporated which subsequently met with executive disapproval for various reasons. Many of these items provided for increase in the salaries of subordinate officers and employees of the State. I understand that it was the policy of the then executive to veto these items because under the Constitution he had not the power to reduce them so as to eliminate the increase in salary. I also understand that it was his intention to submit the matter again to the Legislature in extraordinary session so that the necessary provisions for the business of the several departments might be continued with a proper force employed, continuing the officers and employees in question at their former salaries without the increase attempted to be made. Other items appropriated by the Legislature were vetoed which the various departments now claim are absolutely necessary for the conduct of their public business. Some of these items were unquestionably disapproved through some misunderstanding with reference to them. Others were doubtless properly disapproved. In addition to these considerations, it is insistently urged upon me by the various departments that emergencies have arisen and necessities of the business of the departments exist which require further consideration of these various matters of appropriation to the end that appropriations may be made which will suitably equip the departments for the performance of the duty assigned to them. Many of these vetoed items should be reinstated in proper form and at the proper amounts. As to others, the judgment of the Legislature should be exercised for the purpose of determining whether or not they should be again appropriated. The necessities of the departments should, of course, be provided.

The matters referred to in this message have been grouped into the form of an appropriation bill by the Commissioner of Efficiency and Economy with the various items stated in such detail

as to carry their own proper explanations. Supplementing these explanations, I transmit herewith a communication from the Commissioner of Efficiency and Economy by which he submits the detailed information gathered with respect to the several items incorporated in the bill.

Wherever necessary, these explanations and an investigation of the items may readily be exacted by the Legislature. The financial concerns of the State are so important that I have decided to submit this proposed measure to you for your examination, investigation and determination so that whatever may be necessary for the public business may be appropriated and so that you may have an opportunity to deliberately and intelligently pass your judgment upon the propriety and necessity of the proposed expenditures. Therefore, without recommendation one way or the other from me, I submit this subject to your consideration, confident that you will take it up, and dispose of it in such manner as will best serve the welfare of the State and the good order of the State's business.

MARTIN H. GLYNN.

December 11, 1913.

HONORABLE MARTIN H. GLYNN, *Governor of the State of New York:*

Sir: I have the honor to transmit to you a statement of the information gathered and explanations made with reference to the several items incorporated in the proposed supplemental appropriation bill, which I have prepared at your direction.

I also have the honor to transmit to you the proposed supplemental appropriation bill mentioned.

The aggregated amount of the items provided for in this bill is \$330,350.08.

Respectfully,

JOHN H. DELANEY,

Commissioner of Efficiency and Economy.

For investigation of departments..... \$25,000 00

The Legislature of 1913 appropriated the sum of \$50,000 for compensation and expenses of persons appointed by the Governor to investigate State departments. Of this amount approximately \$35,000 was expended by the committee of inquiry; \$5,000 by John D. McMahon for investigations of the purchasing agent of the Prison Department, and the remainder was expended by George W. Blake, investigating prisons and reformatories, and by John A. Hennessy, investigating highways. Funds should be provided the present executive to conduct necessary investigations.

ADMINISTRATIVE.

COMPTROLLER.

Audit Bureau—Services and expenses of employees \$80,000 00

Chapter No. 542 of the Laws of 1913, extended the power of audit by the Comptroller to the expenditures of all State departments, bureaus and offices. A special bill appropriating \$40,000 was passed in February to provide for immediate organization and defray the expenses for the remainder of the fiscal year, ending September 30, 1913. An item of \$75,000 was passed in the regular appropriation bill for the expenses of this audit department for the fiscal year beginning October 1, 1913, but was vetoed by the Governor with the comment that the special appropriation should be sufficient. The Comptroller claims that this veto deprived his department of the funds necessary for the support of the audit bureau and that unless a new appropriation be made the purposes of the special act will be defeated.

TEMPORARY LOANS.

For interest on temporary loans \$2,500 00
This item is self-explanatory.

ATTORNEY-GENERAL.

One item reappropriated for the purpose of changing the title of a position which was erroneously described in the regular appropriation bill. No new funds provided.

CIVIL SERVICE COMMISSION.

One ninth grade employee—To provide an additional employee to rate papers of persons entering competitive examinations \$1,350 00
Postage and transportation 2,500 00

The appropriation for this purpose in the amount of \$3,000, contained in the annual appropriation bill, was vetoed by Governor Sulzer for the stated reason that the appropriation for office expenses had been increased \$2,000. The effect of this veto has been to reduce the amount available for office expenses and postage to a sum \$500 less than that appropriated in 1912. The work of the Commission has greatly increased during the last few years and there are several important examinations now in progress.

LEGISLATIVE.

For expenses of the President of the Senate \$3,700 00

For extra stenographic and clerical services for the

President of the Senate 1,000 00

Upon the President of Senate has devolved a portion of the duties of the Lieutenant-Governor, which requires that he devote his time almost continuously to the services of the State.

PRINTING.

Twenty-nine items for printing additional copies

of bill and reports directed by concurrent reso-

lutions \$52,182 73

The annual supply bill, passed by the regular session of the Legislature, contained an item for \$150,000 for Legislative printing, which was vetoed by the executive with the comment that there was sufficient appropriation for printing in the regular appropriation bill. The annual appropriation bill provided the sum of \$200,000 for the Legislative printing of the State, which contained a provision that so much of State funds as might be necessary should be applicable to Legislative printing done before September 30, 1913. On examination of the outstanding printing obligations on account of Legislative printing disclosed the fact that there has been a steady accumulation of liabilities extending over a period of several years, and that no Legislature in recent years has appropriated sufficient money to liquidate all of this indebtedness. There now remains unpaid in the hands of the Comptroller for printing work which has been executed and delivered by authority of resolutions adopted by the State Legislature, vouchers aggregating approximately \$168,000, and in addition thereto a large amount of unfinished work is still in process of manufacture by the State Printer. As a result of the veto of the item in the supply bill the Comptroller has been compelled to issue certificates of indebtedness to the printers to whom this large amount of money has been due, which certificates have been discounted at various banks and the State is required to pay interest thereon.

BILL DRAFTING DEPARTMENT.

Bill drafting department \$6,000 00

The continuation in session of the 1913 Legislature and the preparation of various primary and workmen's compensation, and other large bills of great importance, has imposed such an additional burden upon the bill drafting department that the appropriation in the annual supply bill is inadequate.

STATE REPORTER.

Office expenses \$1,500 00

This item was vetoed in the supply bill for the reason that it appeared erroneously as a deficiency.

STATE BOARD OF CLAIMS.

Official salaries \$3,000 00

Graded employees, eleventh grade, one employee.. 2,500 00

The veto of these items deprived the Board of Claims of stenographers.

REGULATIVE.

DEPARTMENT OF LABOR.

Services and expenses — John Williams..... \$2,100 00

Services and expenses — John Mitchell..... 870 00

Expert services 5,000 00

Bureau of statistics and information..... 10,000 00

These items provide for the payment for services rendered as Commissioner and Acting Commissioner, for the employment of experts in connection with special investigations, and for collecting and disseminating information relative to the Labor Law within the State.

BOARD OF PORT WARDENS.

Expenses \$2,000 00

Two thousand five hundred dollars were appropriated for the expenses of this Board for the fiscal year beginning October 1, 1913, as compared with \$4,500 appropriated for previous years.

This appropriation therefore authorizes no increased expenditure.

EDUCATIONAL.

DIVISION OF EDUCATIONAL EXTENSION.

Graded employees — seventh grade, two employees. \$3,000 00

This item was vetoed in the appropriation bill for the reason that there was no imperative necessity for additional employees, whereas they are regular employees of the Department.

EDUCATION BUILDING.

Care and cleaning and other services \$45,000 00

The appropriation of \$80,000 for this purpose was under the heading of "Department of Public Buildings," and was vetoed in the supply bill by the Governor for the reason that in his judgment the maintenance of the Education Building should be directly under the supervision of the officials of the Department of Education.

PENAL.

STATE COMMISSION OF PRISONS.

Official salaries \$2,000 00

This item provides for the salary of an inspector now regularly employed.

Traveling expenses \$3,000 00

Inspector's expenses 1,000 00

These appropriations are for the purpose of paying the actual and necessary traveling expenses of the Commission and the inspectors' expenses in the performance of their official duties, and for which no appropriations have been provided.

DEFENSIVE.

NATIONAL GUARD.

Graded employees, Albany office, eighth grade, 1
employee \$1,050 00

Graded employees, Albany office, seventh grade, 2
employees 1,800 00

These appropriations are for the salaries of three employees regularly employed and stated by the Adjutant-General to be necessary for the conduct of business.

CURATIVE.

STATE HOSPITAL COMMISSION.

For services — Charles G. Armstrong \$6,300 00

To compensate Engineers Hering and Fuller 500 00

These appropriations are for the purpose of providing payment for professional engineering service rendered to the State Hospital Commission. The Commission employed those engineers in the belief that payment could be made from funds provided for construction, which was later decided to be illegal.

HUDSON RIVER STATE HOSPITAL.

This item provided that the State Hospital Commission shall be authorized to pay engineers for service from an unexpended balance of a fund now available for the improvement of the water supply at the Hudson River State Hospital, and does not require any additional appropriation.

STATE HOSPITAL COMMISSION.

Investigation of the care of insane..... \$2,500 00

This appropriation provides for the payment to William E. Fitzsimmons, for services rendered in making an examination and report to the Governor of the per capita cost of maintenance of insane institutions and prisons of various states in comparison with the State of New York.

CHARITABLE.

STATE BOARD OF CHARITIES.

Graded employees, fourth grade, five employees... \$3,600 00

The appropriation providing for these employees was vetoed in the appropriation bill for the stated reason that they were new employees, whereas they had been part of the regular staff during part of the preceding fiscal year.

PROTECTIVE.

TRUSTEES OF PUBLIC BUILDINGS.

Furnishing rooms, Senate and Assembly..... \$11,053 00

This appropriation provides payment for the furnishing of certain rooms in the Senate and Assembly wings of the Capitol. The appropriation amounted to \$12,214.02, was vetoed in the supply bill by the Governor for the reason that it included certain percentage of profit to the contractor. This percentage has been deducted.

BUILDING IMPROVEMENT COMMISSION.

Official salaries \$500 00

This appropriation is for the salary of the secretary of the Commission, as provided by law, and no appropriation was made for the payment of same.

CONSERVATION DEPARTMENT.

Official salaries, three deputy commissioners..... \$10,500 00

Official salaries, four confidential agents..... 7,200 00

Official salaries, superintendent of inland fisheries. 2,500 00

Official salaries, supervisor of marine fisheries.... 3,000 00

Official salaries, deputy supervisor of marine fisheries 2,000 00

These appropriations provide for the salaries of various officials and employees of this department. The appropriations for these positions were vetoed by the Governor in the appropriation bill for the reason that they provided for increases of salaries. The items now submitted provide for the restoration of these various positions at their former rate of salary.

Divisions of Lands and Forests.

Protecting State's title to lands..... \$5,000 00

The appropriation of \$10,000 for this purpose was vetoed in the supply bill by the Governor for the reason that no funds were available.

This appropriation provides for fixing and determining boundaries between land belonging to the State and adjacent owners, and reporting trespasses on State land, and mapping all lands belonging to the State for the purpose of compiling records for the department, as defined by the Conservation Law.

Division of Inland Waters.

Surveys, investigations and river improvements.. \$15,000 00

The appropriation of \$15,000 for this purpose was vetoed in the supply bill by the Governor for the reason that no funds were available. This appropriation is for the purpose of continuing work which is now in progress and has been prosecuted without interruption from the time of the organization of the State Water Supply Commission, which was merged in 1911, into the Conservation Commission, and is specifically provided for in section 21 of the Conservation Law. It consists of surveys and investigations to determine the hydraulic resources of the State.

Investigation of river structures..... \$3,000 00

The appropriation of \$3,000 for this purpose was vetoed in the supply bill by the Governor for the reason that no funds were available.

This work involves the inspection of dams throughout the State, as the law specifically provides that no dam may be constructed within the State until the plans have been approved by the Commission; and also necessitates the inspection of existing dams for the purpose of determining as to their condition, and repairing same when found unsafe.

PUBLIC LANDS.

Town of Harrietstown..... \$8,024 99

Town of Santa Clara..... 3,298 67

These items provide for the payment of accrued taxes on State lands within the townships.

STATE FIRE MARSHAL.

For various graded employees..... \$8,820 00

The appropriation for this department was \$9,420 less than that made by the Legislature of 1912. The Fire Marshal states that the work of the department has been seriously retarded by inability to employ a sufficient number of inspectors.

WASHINGTON'S HEADQUARTERS, NEWBURGH.

Repair of Washington's Headquarters..... \$2,000 00

Petitions have been presented which state that the building is in unsafe condition.

A message from the Governor by the hand of his Secretary was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,

ALBANY, *December 11, 1913.*

To the Legislature:

In the Appropriation bill passed by your regular session this year, provision was made for the payment of a large number of judgments rendered by the Board of Claims against the State, which, pursuant to law, carried interest from the time of the rendition of such judgments.

This appropriation failed of Executive approval. The asserted reason for the veto of the item was as follows:

"I cannot approve of this informal manner of disbursing huge sums of State moneys. If there be actually judgments rendered by the Board of Claims against the State to the amount of a quarter of a million dollars, these should be itemized and presented to the Legislature in a special act, so that the Legislators and taxpayers may know exactly to whom the money is paid and the reason for such payment."

The sum appropriated was actually necessary to pay the awards made by the Board of Claims. An itemized statement of the various amounts making this aggregate was easily obtainable either from the records of the Board of Claims, in its clerk's office, or from the files and dockets in the Comptroller's office, where the awards are public documents and made a public record.

There was, therefore, no just reason stated in the veto message. It is apparent that the veto was the result of some misapprehension, or other reason not grounded in fact.

The State owed this money to the litigants who were successful before the Board of Claims. The Comptroller, as has been for many years the custom, accepted the awards upon their final determination and paid to the various litigants to whom the awards were made the amounts awarded, borrowing the money for that purpose from various funds in the control of the Comptroller, to which funds the interest upon the items thus paid belongs as well as the amounts paid.

The Comptroller had the unquestioned right to borrow these moneys in the manner in which they were borrowed for the purpose

of meeting these obligations of the State, but the State owed the obligation to the funds from which the moneys were thus borrowed.

Therefore, it is the imperative duty of the Legislature to provide for the reimbursement of the funds without further payment of interest thereon.

(Signed) MARTIN H. GLYNN.

A message from the Governor by the hand of his Secretary was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,

ALBANY, *December 11, 1913.*

To the Legislature:

The pending proposed bill relating to workmen's compensation, requires an appropriation to pay the salaries of the members of the commission authorized to be created by said bill and its employees and its necessary expenses.

Further, the proposed bill now pending provides for the establishment of a State insurance fund, for which purpose an immediate appropriation should be made.

Concerning these appropriations I shall cause to be introduced a bill and urge this Legislature to give the same its prompt and favorable consideration.

(Signed) MARTIN H. GLYNN.

A message from the Governor by the hand of his Secretary was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,

ALBANY, *December 11, 1913.*

To the Legislature:

I recommend for your favorable consideration and prompt action, appropriate legislation amending the Legislative Law, for the purpose of placing the legislative bill drafting commission upon a basis of efficiency that will result in the promotion of accuracy and harmony in legislation. The platforms adopted by both the Democratic and Progressive parties at their last State conventions respectively recommend it, and representative members of the Republican party have likewise advocated the creation and establishment of a permanent legislative bill drafting commission, for the purpose of avoiding confusion and lack of harmony in the laws; and also for affording to the members of the Legisla-

ture in the performance of their legislative duties, expert assistance in the preparation of bills, concurrent resolutions and other matter requiring the action of the Legislature.

Such a commission efficient and economically established, organized and maintained, will work a public benefit in making the laws passed by the Legislature more nearly scientific as a demonstrated by practical experience under similar permanent commissions, in the States of Wisconsin and California. The nearer approach to the scientific in our statutory law, the wiser will be our system of statutory law, and the greater the benefit to be derived by the people at large.

(Signed) MARTIN H. GLYNN.

A message from the Governor by the hand of his Secretary was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,

ALBANY, *December 11, 1913.*

To the Legislature:

The Comptroller of the State and the Department of Efficiency and Economy, as the result of the investigations and recommendations of the committee of inquiry, and as the result of legislation passed at your regular session this year intended to promote the orderly administration of the financial affairs of the State, have made a comprehensive statement of the general deficiencies in funds appropriated for the various departments of the State which have been carried from year to year, many of these deficiencies having arisen years ago. It is difficult to locate with exactness the immediate responsibility for the existence of these deficiencies. That they were unwise business policy for the State and unlawful treatment of the funds appropriated for their use by the several departments is plain. However, this condition exists and it is necessary that some appropriate legislation be enacted to dispose of it.

The Comptroller, pursuant to law and in conformity with wise business principles, has established and put in force at the beginning of the current fiscal year a policy for the control of expenditures in the various departments by the appropriations made therefor, which policy is correct and beneficial to the State, and pursuant to it, the Comptroller has announced that he will refuse to pay any moneys out of the appropriations for the current fiscal year upon deficits or deficiencies previously made or accumulated in the years gone by. These deficiencies arose from time to time because departments incurred debts in excess of the moneys appro-

priated for the conduct of the business of the departments. The officials now in office are not to be held responsible for this condition. Some of these deficiencies are years old and have been carried along by the use of the appropriations for a succeeding fiscal year serving to wipe out the deficiencies at the time but leaving them as a continuing legacy at the end of that new fiscal year. The new policy established by the Comptroller leaves these deficiencies as they were on the 30th of last September to be considered and disposed of in such manner as shall appear wise to the Legislature. The new policy requires the solution of this question of accumulated deficiencies in the various departments of the State. It is a problem which confronts us and which must be solved either by the appropriation of moneys necessary to pay up and discharge these deficiencies or by the refusal of the Legislature to furnish moneys for their payment because of the unlawful conduct out of which they grew.

Section 35 of the State Finance Law, which in substantially its present form has been upon the statute books since 1899, makes this very plain and unmistakable provision.

"Section 35. Indebtedness not to be contracted without appropriation. A State officer, employee, board, department or commission shall not contract indebtedness on behalf of the State, nor assume to bind the State, in an amount in excess of money appropriated or otherwise lawfully available."

The deficiencies to which this message refers were contracted in violation of this very wise, prudent and proper legislation. It announces as the policy of the law that state officers and departments shall be restricted in the matter of incurring indebtedness against the State to an amount within the amount of the appropriation granted by the Legislature for the conduct of the public business committed to them. Notwithstanding this very plain provision of the law and the wise policy that it was intended to enforce, these deficiencies have arisen and have accumulated during all the years while this law has been in force. The plain meaning of this situation is that public officers and departments have openly set the law at naught and violated it, hoping through the leniency of the Legislature from year to year or through the complacency of the Comptroller to carry the deficiencies along until such time as the matter might rectify itself.

No department or officer has any right to contract debts in excess of the amount which the Legislature fixes as the total amount allowed in its view of the necessities of government for the conduct of the business of that department or office. When debts in excess of the appropriations thus made are contracted, the department or officer doing so, except in cases of extraordinary emer-

gency not possible of prevention, usurps the powers of the Legislature by practically forcing an additional appropriation to the extent of the excess without the action of the Legislature and without the matter even having been submitted to the Legislature for its action. This practice evidences a disregard of public duty as well as a failure to show proper appreciation of the fact that a department or officer is simply an agency of the government and is required to exercise the agency within the control and subject to the limitations prescribed by the Legislature, which is the representative body given the power of principal in this case. A disregard of the proper relations which an agent bears to his principal in the matter of the financial concerns intrusted to the agent's charge should be regarded in public affairs with the same censure and condemnation which it would unquestionably invite and receive in the case of a private agency exceeding the authority of its principal. There is no excuse for such conduct on the part of public officers. I am convinced that a public officer who contracts debts in the name of the State in excess of appropriations made by the Legislature for the conduct of the business intrusted to him evinces a disregard for the proprieties of his position, an incompetency in the management of his department and an unworthiness for the trust reposed in him. While I am administering the executive functions of the State, I shall consider the continuance of this deplorable practice by any officer subject to my power of removal as sufficient justification for his removal from office. If the plain language of the law does not restrain these officers from this form of violation of the law, I shall endeavor to supplant them by officers who will recognize the law, live up to it and co-operate in the enforcement of its wise provisions.

The Commissioner of Efficiency and Economy, at my suggestion, has prepared a bill in the form of an appropriation bill containing a detailed itemized statement of the existing deficiencies at the end of the last fiscal year. The condition thus disclosed is in this bill presented to the Legislature in such detail that it may readily understand just what has happened in this regard. I have no recommendations to make in favor of the passage of this law. I believe that it is a matter that should receive the serious and careful consideration of the Legislature and that after such serious and careful consideration such action should be taken upon this bill as will in the judgment of the Legislature best serve the public good.

I, therefore, submit this matter to the Legislature for its consideration and for such action upon it as will meet the approval of its judgment.

MARTIN H. GLYNN.

The Senate sent for concurrence the following entitled bills:

"An act to amend the Penal Law, in relation to contracts for the exclusive right to use a portion of the public highway as a private hack stand" (No. 70, Rec. No. 25), which was read the first time and referred to the committee on codes.

"An act to amend the Legislative Law, in relation to the legislative bill drafting commission" (No. 68, Rec. No. 26), which was read the first time and referred to the committee on ways and means.

"An act making appropriations for the support of government" (No. 71, Rec. No. 27), which was read the first time and referred to the committee on ways and means.

"An act making appropriations for the payment and discharge of indebtedness contracted, incurred and accumulated from year to year by departments and officers of the State prior to September thirtieth, nineteen hundred and thirteen, in excess of the appropriations made for said departments and officers" (No. 72, Rec. No. 28), which was read the first time and referred to the committee on ways and means.

"An act making an appropriation for the payment and discharge of certain judgments and awards made by the Board of Claims with interest thereon, as provided by law" (No. 74, Rec. No. 29), which was read the first time.

On motion of Mr. Bush, and by unanimous consent, said bill was read the second time and ordered to a third reading and referred to the committee on ways and means.

"An act making appropriations for the payment and discharge of indebtedness contracted and incurred by the Executive Department during the fiscal year ending September thirtieth, nineteen hundred and thirteen, in excess of appropriations made for said department" (No. 73, Rec. No. 30), which was read the first time and referred to the committee on ways and means.

By unanimous consent, the following bills were introduced:

Mr. Levy introduced a bill entitled "An act to amend the Legislative Law, in relation to the legislative bill drafting commission" (Int. No. 45), which was read the first time.

On motion of Mr. Levy, and by unanimous consent, said bill was read the second time and ordered to third reading and referred to the committee on ways and means.

Mr. Bush introduced a bill entitled "An act making appropriations for the payment and discharge of indebtedness contracted and incurred by the Executive Department during the fiscal year ending September thirtieth, nineteen hundred and thirteen, in excess of appropriations made for said department" (Int. No. 46), which was read the first time, and referred to the committee on ways and means.

Also, "An act making appropriations for the support of government" (Int. No. 47), which was read the first time and referred to the committee on ways and means.

Also, "An act making appropriations for the payment and discharge of indebtedness contracted, incurred and accumulated from year to year by departments and officers of the State prior to September thirtieth, nineteen hundred and thirteen, in excess of the appropriations made for said departments and officers" (Int. No. 48), which was read the first time and referred to the committee on ways and means.

Also, "An act making an appropriation for the payment and discharge of certain judgments and awards made by the Board of Claims with interest thereon, as provided by law" (Int. No. 49), which was read the first time.

On motion of Mr. Bush, and by unanimous consent, said bill was read the second time and ordered to third reading and referred to the committee on ways and means.

Mr. Levy introduced a bill entitled "An act to amend the Penal Law, in relation to contracts for the right to use a portion of the public highway as a private hack stand" (Int. No. 50), which was read the first time.

On motion of Mr. Levy, and by unanimous consent, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,

ALBANY.

To the Legislature:

It appearing to my satisfaction that the public interest requires it: Therefore, in accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority

thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly bill (Int. No. 50, Printed No. 52) entitled "An act to amend the Penal Law, in relation to contracts for the exclusive right to use a portion of the public highway as a private hack stand."

Given under my hand and the privy seal of the State at the Capitol in the city of Albany this eleventh day of December in the year of our Lord one thousand nine hundred and thirteen.

(Signed) MARTIN H. GLYNN.

By the Governor:

FRANK A. TIERNEY,

Secretary to the Governor.

By unanimous consent, said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 104

NOES 00

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|-----------|----------------|-------------|
| Adler | Doty | Horton | Maloney | Seelye G T |
| Baumes | Dox | Hover | McCue | Silverstein |
| Baxter | Emden | Ingram | McDaniels | Small |
| Benninger | Esquirol | Jackson | McElligott | Smith J A |
| Bovie | Fallon | Jones | McGrath | Smith M |
| Brereton | Farrell | Jude | McKee | Sufran |
| Brewster | Fitzgerald | Kelly J A | McKeon | Sweet |
| Burden | Gage | Kelby J J | McMahan | Tallett |
| Burr | Gallup | Kelly J D | Monahan | Taylor T D |
| Bush | Garvey | Kenney | Norton | Telford |
| Butts | Geoghan | Kerrigan | O'Connor | Ulrich |
| Carroll | Geyer | Kiernan | Oxford | Van Woert |
| Caughlan | Gillen | Knott | Phillips | Walker |
| Colc | Goldberg | Kornobis | Pullman | Webb |
| Cotillo | Greenberg A | Larrimer | Robinson | Webb |
| Cronin | Grimme | Levy | Rosan | Weil |
| Cuvillier | Hamilton | Lewis | Schifferdecker | Willard |
| Daley | Hammer | Macdonald | Schnirel | Willmott |
| Dennen | Heyman | Machold | Schwartz | Wood |
| Donohue | Hinman | Madden | Seaker | Yard |
| Dorst | Hopkins | Malone | Seely J L | |

Ordered, That the Clerk engross said bill, deliver the same to the Senate and request their concurrence therein.

Mr. Goldberg, from the committee on the judiciary, to which was referred Assembly bill introduced by the committee on the judiciary (No. 38, Int. No. 38), entitled "An act to amend the Election Law, in relation to the direct election of United States Senators," reported in favor of the passage of the same, without amendment, which report was agreed to, and said bill placed on the order of second reading.

Mr. Goldberg, from the committee on the judiciary, to which was referred Assembly bill (No. 37, Int. No. 37) introduced by the committee on the judiciary, entitled "An act to amend the Election Law, in relation to direct primaries and to elections generally," reported in favor of the passage of the same, with the following amendments:

Page 5, line 3, after "nominated" insert in italics "a"; insert a bracket before the "s" in "candidates".

Line 4, insert a bracket after "voted". After "for" insert in italics "governor".

Line 5, inclose "any" in brackets and insert in italics thereafter "its"; insert a bracket before "nominated".

Line 6, after "state" insert a bracket and thereafter before the period insert in italics "for such office".

Page 3, line 11, strike out "May" and insert in italics "April".

Page 49, line 21, strike out "May" and insert in italics "April."

Page 69, line 7, inclose in brackets "forthwith".

Line 8, after "deliver" insert in italics "upon request".

Line 20, inclose "forthwith" in brackets and insert in italics thereafter "upon request."

Page 29, line 2, after the comma and before the bracket insert in italics "and the order in which such candidates' names are to be printed under the title of an office or party position, and the order of groups of candidates for the same position, if any".

Line 4, strike out the bracket.

Line 6, after "election" and before the period insert a bracket.

Page 38, line 14, inclose "one-half" in brackets and after the second bracket insert in italics "three-eighths of an".

Line 15, inclose "one-sixth" in brackets and after the second bracket insert in italics "one-fourth".

Page 42, line 15, strike out "one-eighth" and insert in place thereof in italics "one-fourth".

Line 21, after the comma insert in italics "in capital letters in black-faced type not less than one-eighth nor more than three-sixteenths of an inch in height".

Page 43, between lines 13 and 14 insert in italics "If a vacancy be filled after the position of such names has been determined, the name of the newly designated candidate shall be printed in the order determined for the candidate whose designation was made vacant."

Page 44, line 7, after "such" insert in italics "heavy"; after "vertical" insert in italics "dividing".

Strike out lines 14 to 20, inclusive.

Page 45, between lines 15 and 16, insert in italics "Where two or more candidates are to be elected to a party position, the names of candidates designated by each petition shall be grouped, and the order in which the groups shall be placed, together with the order of the names within each group, shall be determined by lot, in the manner provided in this section, for determining the order in which the names of candidates shall be printed under the title of an office or party position."

Page 46, line 2, strike out "one-sixteenth" and insert in italics "one-eighth".

Line 16, after "group", occurring the second time, insert in italics "including the group of spaces for names not printed".

Line 17, strike out "one-quarter" and insert in place thereof in italics "five-sixteenths".

Line 21, strike out "the same" and insert in italics in place thereof "a"; after "position" insert in italics "to be filled by two or more persons".

Page 47, line 16, after "shall" insert in italics "so far as it conforms to the above description."

Make following changes on the ballot form inserted at page 47:

On the back of the ballot, on the stub, below the ballot number insert "..... (name of party)".

On the back of the ballot below the stub, take out the hyphen or other character between "party" and "emblem".

Strike out the light vertical line, in each column, between the candidates' numbers and candidates' names.

Double the width of all heavy vertical lines, so that first two will each be one-eighth inch and last one-fourth inch.

Take out the second space following "22 John Doe".

Take out the space between "27 John Doe" and "28 John Doe".

Under "members of county committee" insert a brace between group number and candidates' names in the group.

Also, widen the space between groups under "members of county committee" to five-sixteenths of an inch.

Page 96, between lines 17 and 18, insert the following:

"§ 59-a. Section one hundred and ninety of such chapter, as amended by chapters six hundred and forty-nine and seven hundred and forty of the Laws of nineteen hundred and eleven, chapter four hundred and six of the Laws of nineteen hundred and twelve and chapter eight hundred of the Laws of nineteen hundred and thirteen, is hereby amended to read as follows:

"§ 190. Boards of elections established. There shall be a board of elections in every city of the first class in this State which does, or shall, contain within its boundaries more than one county, to consist of four persons. There shall be a board of elections in each of the other counties of the State, but in counties having a population of less than one hundred and twenty thousand inhabitants such board shall consist of two persons. In other counties of the State such board shall consist of two or four members as the board of supervisors of the county may by resolution determine. In every such other county where four commissioners of election have been appointed and the number of said commissioners is reduced to two, the board of supervisors shall within sixty days after this amendment takes effect reduce the number of commissioners to two by designating the two who are to continue; and from the time of such designation the offices of the others shall be deemed abolished. Except in the city of New York the salaries of such commissioners and their expenditures for clerk hire shall be fixed by the board of supervisors of each county, but shall not exceed the following amounts: "In each county having a population of eighty thousand and less than ninety-five thousand and which does not contain within its boundaries at least three cities of the third class, the salary of a commissioner shall not exceed twelve hundred dollars, and the expenditure for clerk hire, including stenographer, each year, shall not exceed fifteen hundred dollars. In each county having a population of less than [one hundred] eighty thousand and which does not contain within its boundaries at least three cities of the third class the salary of a commissioner shall not exceed one thousand dollars, and the expenditure for clerk hire, including stenographer, each year, shall not exceed fifteen hundred dollars. In each county having a population of less than [one hundred] ninety-five thousand and containing within its boundaries at least three cities of the third class and in each county having a population of [one hundred] ninety-five thousand and less than one hundred and twenty thousand the salary of a commissioner shall not exceed fifteen hundred dollars, and the expenditure for clerk hire, including stenographer, each year, shall not exceed three thousand dollars each year. In each county

having a population of one hundred and twenty thousand and less than five hundred thousand the salary of a commissioner shall not exceed three thousand dollars, and the expenditure for clerk hire, including stenographer each year, shall not exceed five thousand dollars. In each county having a population of five hundred thousand and less than a million the salary of a commissioner shall not exceed three thousand dollars. The population of the various counties of the state referred to in this section shall be fixed and determined according to the latest preceding Federal census, or State enumeration. Not more than two of such commissioners, if the board of elections consists of four members, and not more than one of such commissioners if said board consists of two members, shall belong to the same political party or be of the same political opinion on State or National politics. The persons composing such boards of elections shall be designated 'commissioners of elections.' Each of the said boards of elections shall be and is hereby charged with the duty of executing the laws relating to all elections held within their respective cities or counties, except as otherwise provided by law."

Page 101, between line 20 and 21, insert the following:

"§ 62-a. Section one hundred and ninety-seven of such chapter, as amended by chapter four hundred and six of the Laws of nineteen hundred and twelve and chapter eight hundred of the Laws of nineteen hundred and thirteen, is hereby amended to read as follows:

"§ 197. Appointment of employees. Every board of elections shall have power to fix the number, salaries, duties and rank of its chief clerks, clerks, assistant clerks and stenographers and to appoint and remove at pleasure and to fix the salaries of all employees of said board, but not in excess of the amounts specified in section one hundred and ninety; except that in a county having a population of less than [one hundred] ninety thousand the board may have one clerk only and his salary shall not exceed nine hundred dollars per annum, nor shall the aggregate expenditure for such clerk hire and for stenographer exceed the amount specified in section one hundred and ninety."

which report was agreed to, and said bill ordered reprinted, as amended, and placed on the order of second reading.

Mr. Goldberg, from the committee on the judiciary, to which was referred Assembly bill (No. 35, Int. No. 35) introduced by the committee on the judiciary, entitled "An act to amend the Election Law, generally," reported in favor of the passage of the same, with the following amendments:

Page 6, between lines 19 and 20, insert the following:

"§ 2-a. Section one hundred and sixty-two of such chapter is hereby amended to read as follows:

"§ 162. Qualifications of voters. A person is a qualified voter in any election district for the purpose of having his name placed on the register if he is or will be on the day of the election qualified to vote at the election for which such registration is made. A qualified voter is a male citizen who is or will be on the day of election twenty-one years of age, and who has been an inhabitant of the State for one year next preceding the election, and for the last four months a resident of the county and for the last thirty days a resident of the election district in which he offers his vote. If a naturalized citizen, he must, in addition to the foregoing provisions, have been naturalized at least ninety days prior to the day of election. The term 'resident' means a person who has a domicile, dwelling, home or abode or any place of stay from which he intends to vote, but this provision shall not be taken to mean that a person may register for or vote at a given election more than once."

Page 10, line 4, after the period insert in italics "The names of candidates shall be printed in capital letters in black-faced type not less than one-eighth nor more than three-sixteenths of an inch in height."

Page 11, line 4, after the period insert in italics "The voting squares or voting spaces and the spaces occupied by emblems shall have a depth of five-sixteenths of an inch and such width as the grouping, horizontally, of two or more emblems may require."

Line 10, strike out "at least one-quarter of an".

Line 11, strike out "inch square" and insert in italics "or voting spaces".

Line 12, after "squares" insert in italics "or voting spaces".

Line 14, after "squares" insert in italics "or voting spaces".

Line 15, after "columns" and before the ensuing period insert in italics ", except that where a candidate for Governor only shall have been nominated by two or more parties or independent bodies, the voting squares or spaces shall be arranged horizontally, under the emblems".

After "squares" insert in italics "face of the"; change ballot form, occupying lines 7 to 25, inclusive, to illustrate amendments provided for in section 331.

Page 15, line 18, after "given" insert in italics ", except as herein otherwise provided."

Page 16, line 3, strike out "On each line" and insert in italics the following: "Except where a candidate for the office of Gov-

ernor only is nominated by more than one political organization, there shall be printed on each line below the top, in the following order, from left to right, the party emblem, the voting square, the candidate's name and the name of his party. In any case where a candidate for public office is nominated by more than one political organization, the party names and emblems shall appear in the order of the relative number of votes cast for Governor by each organization at the preceding election of a Governor. When a candidate for the office of Governor only is nominated by more than one political organization, the voting squares shall be in the same column as the emblems, and arranged horizontally thereunder to the left of the name of the candidate, and the space in which the name of the candidate is printed shall have a depth of five-eighths of an inch.

Strike out lines 4 to 10 and to and including the period on line 11.

Line 18, strike out "the square" and insert in italics "one of the squares or in the space".

Page 32, line 16, after "be" insert in italics "substantially", after "form" and before the colon insert in italics "with appropriate changes to indicate the vote for Governor of each separate party or independent body by whom a candidate therefor was nominated".

Page 33, in the third subline of line 9 after "in" and before the period insert in italics "and if a candidate for Governor was nominated by more than one political organization, repeat the candidate's name as many times as he was nominated, inserting the vote of each party or independent body separately".

Page 34, line 2, after "form" and before the colon insert in italics "with appropriate changes to indicate, where a candidate for Governor was nominated by more than one political organization, the separate vote cast by each party or independent body for such candidate".

Page 51, line 6, after the period insert in italics "Where, in the case of a candidate for Governor, the candidate is nominated by two or more political organizations, and the voter makes a cross X mark in two or more voting spaces or squares, his vote for such candidate shall be counted, but he shall not be recorded in the tally sheet or returns as voting with any particular party or independent body".

Page 71, between lines 17 and 18, insert in italics the following: "If changes be necessary in any of the forms for tallies and returns as prescribed in this article, the Secretary of State shall prescribe the same."

Page 81, between lines 23 and 24, insert the following:

"§ 34-a. Section four hundred and ten of such chapter is hereby amended to read as follows:

"§ 410. Manner of voting. After the opening of the polls, the inspectors shall not allow any voter to pass within the guard-rail until they have ascertained that he is duly entitled to vote. Only one voter at a time shall be permitted to pass within the guard-rail to vote. The operating of the voting machine by the voter while voting shall be secret and obscured from all other persons except as provided by this chapter in cases of voting by assisted voters. No voter shall remain within the voting machine booth longer than [one minute] three minutes, and if he shall refuse to leave it after the lapse of [one minute] three minutes he shall be removed by the inspectors."

which report was agreed to, and said bill ordered reprinted, as amended, and placed on the order of second reading.

On motion of Mr. Hinman, consideration of his resolution in regard to the proposed inquiry as to the cost of the Barge canal construction laid upon the table until to-day, was postponed until Friday, December 12th.

Mr. Bush offered for the consideration of the House a resolution, in the words following:

Whereas, Information has reached the Assembly that the Hon. Henry Mabie, who was an esteemed and active member of this House from Putnam County in 1886, 1887 and 1888, and who since 1902 has been connected with the Assembly Library as librarian or assistant librarian, was found dead on his bed this morning; therefore,

Resolved, That we grieve at the sudden demise of our associate and friend, who by his knowledge of public men and events and past laws was able to be very useful to all the members and was always willing and eager to assist any of them, and who by his loving character, patience and kindness of heart, endeared himself to all who came in contact with him; be it further

Resolved, That we deeply sympathize with his relatives in their bereavement and that an engrossed copy of these resolutions be sent to his widow; and be it further

Resolved, That when this House adjourn to-day it do so in respect to the memory of our late member, the Hon. Henry Mabie.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Pursuant to resolution, Mr. Speaker declared the House adjourned.

FRIDAY, DECEMBER 12, 1913.

The House met pursuant to adjournment.

Prayer by Rev. C. V. Moldenhauer.

On motion of Mr. Levy, the reading of the journal of yesterday was dispensed with and the same was approved.

A message from the Governor by the hand of his secretary was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY, December 12, 1913.

To the Legislature:

Chapter 730 of the Laws of 1913, created a commission to provide for the celebration of the centenary of the battle of Plattsburg.

Requests have been made, upon reasons which seem to justify them, to increase the citizen members of this commission from five to eight and to permit the appointment of a vice-chairman to facilitate the business in hand. The proposed change will not alter or increase the appropriation already made by the State for the execution of this project.

Believing that the amendment of the law, as now proposed, is desired by a large number of citizens laudably interested in this celebration, and will subserve the public purpose contemplated, I recommend this subject of legislation to you for your consideration and action.

MARTIN H. GLYNN.

A message from the Governor by the hand of his secretary was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY, December 11, 1913.

To the Legislature:

I am advised that it is expedient and necessary to submit to this Legislature for its consideration, bills affecting the administration of the county of the Bronx, in the following particulars: Relative to authorizing the district attorney of the county of the Bronx to appoint county detectives, stenographers and interpreters; concerning certain appointees in the sheriff's office of the county of the Bronx, and also in relation to the power of appointment of the county clerk and the county judge of the county of the Bronx.

I respectfully urge your favorable consideration of these matters at this time.

MARTIN H. GLYNN.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY, December 12, 1913.

To the Legislature:

I respectfully recommend for your favorable consideration at this time, legislation to make an appropriation for compensation of counsel to the board of managers of the Assembly, for services in preparing for the trial and upon the trial of the articles of impeachment exhibited by the Assembly of the State of New York against William Sulzer, and for the expenses of such board of managers, for officers and employees of the Court of Impeachment for stenographic services, transcribing testimony and evidence, witnesses fees, printing, travelling and other necessary expenses, incident to and in connection with the performance of the functions, powers and duties of such court, and of such managers; and also for compensation of counsel for the respondent, for services in preparing for trial and upon the said trial of the said articles of impeachment.

MARTIN H. GLYNN.

Mr. Levy moved a call of the members of the House.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

By direction of the Speaker, the Clerk called the roll, when the following members responded:

| | | | | |
|-----------|-------------|-----------|----------------|------------|
| Adler | Eisner | Hover | McCue | Small |
| Baumes | Emden | Hughes | McDaniels | Smith J A |
| Baxter | Esquirol | Ingram | McElligott | Smith M |
| Benninger | Evans | Jackson | McGrath | Smith T K |
| Bovie | Fallon | Jones | McKee | Squire |
| Brereton | Farrell | Kelly J A | McKeon | Sufrin |
| Brewster | Fitzgerald | Kelly J J | McMahon | Sweet |
| Burden | Gage | Kelly J D | Monahan | Tallett |
| Burr | Gallup | Kelly P J | Norton | Taylor T D |
| Bush | Garvey | Kenney | O'Connor | Telford |
| Butts | Geoghan | Kerrigan | Oxford | Tudor |
| Carroll | Geyer | Kiernan | Patrie | Ulrich |
| Caughlan | Gibbs | Knight | Pembleton | Van Woert |
| Cole | Gillen | Knott | Phillips | Vert |
| Cotillo | Goldberg | Korrobis | Pullman | Volk |
| Cronin | Greenberg A | Lane | Robinson | Walker |
| Cuvillier | Grimme | Larrimer | Rozan | Ward |
| Daley | Gurnett | Levy | Schaap | Webb |
| Deitz | Hamilton | Lewis | Schifferdecker | Weil |
| Dennen | Hammer | Macdonald | Schnirel | Willard |
| Donohue | Hearn | Machold | Schwarz | Willmott |
| Dorst | Heyman | Madden | Seaker | Wood |
| Doty | Hinman | Malone | Seely J L | Yard |
| Dox | Hopkins | Maloney | Seelye G T | Speaker |
| Edwards | Horton | McCollum | Silverstein | |

Mr. Levy moved that the House proceed with business during the pendency of the call.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Sullivan of Chautauqua was excused for the day.

Mr. Jude of Chautauqua was excused on account of illness in his family.

The Senate sent for concurrence the following entitled bills:

"An act to amend the Election Law, in relation to the direct election of United States Senators " (No. 49, Rec. No. 31), which was read the first time.

On motion of Mr. Levy, and by unanimous consent, said bill was read the second time and ordered to a third reading and referred to the committee on the judiciary.

"An act to provide for submitting to the people the question ' Shall there be a convention to revise the Constitution and amend the same?' and to provide for such convention, if a majority of the electors shall decide that such convention be held " (No. 75, Rec. No. 32), which was read the first time.

On motion of Mr. Levy, and by unanimous consent, said bill was read the second time and ordered to a third reading and referred to the committee on the judiciary.

"An act to amend the Election Law, in relation to direct primaries and to elections, generally " (No. 77, Rec. No. 33), which was read the first time.

On motion of Mr. Levy, and by unanimous consent, said bill was read the second time and ordered to a third reading and referred to the committee on the judiciary.

"An act to amend the Election Law, generally " (No. 78, Rec. No. 34), which was read the first time.

On motion of Mr. Levy, and by unanimous consent, said bill was read the second time and ordered to a third reading and referred to the committee on the judiciary.

"An act to amend chapter five hundred and forty-eight of the Laws of nineteen hundred and twelve, entitled 'An act to erect the county of Bronx from the territory now comprised within the limits of the borough of the Bronx, in the city of New York, as constituted by chapter three hundred and seventy-eight of the

Laws of eighteen hundred and ninety-seven, and all acts amendatory thereof and supplemental thereto,' relative to the publication of legal notices within said county of Bronx" (No. 67, Rec. No. 35), which was read the first time.

On motion of Mr. Levy, and by unanimous consent, said bill was read the second time and ordered to a third reading and referred to the committee on the judiciary.

"An act to amend chapter five hundred and forty-eight of the Laws of nineteen hundred and twelve, entitled 'An act to erect the county of Bronx from the territory now comprised within the limits of the borough of Bronx, in the city of New York, as constituted by chapter three hundred and seventy-eight of the Laws of eighteen hundred and ninety-seven, and all acts amendatory thereof and supplemental thereto,' in relation to county officers and employees and county detectives" (No. 76, Rec. No. 36), which was read the first time.

On motion of Mr. Levy, and by unanimous consent, said bill was read the second time and ordered to a third reading and referred to the committee on the judiciary.

Mr. Hinman called up his resolution in regard to the proposed inquiry as to the cost of the Barge canal construction laid upon the table until to-day.

Said resolution having been announced, debate was had thereon.

Mr. Schaap moved to amend said resolution by striking out all preambles.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker put the question whether the House would agree to said resolution, as amended, and it was determined in the negative.

Mr. Levy offered for the consideration of the House a resolution, in the words following:

Whereas, A resolution was introduced in the Assembly on the 10th day of December, 1913, by the Hon. Harold J. Hinman, requesting the State Engineer and Surveyor to present to the Legislature of 1914, upon the day upon which it convenes, a detailed report in respect to various matters therein indicated and specified; and.

Whereas, Certain public prints unfriendly to the present State

administration have seen fit to unjustly criticize certain public officials; and,

Whereas, It appears to our satisfaction that the foregoing was done and accomplished with a view of unfairly gaining partisan political advantage; therefore, be it

Resolved (if the Senate concur), That the joint legislative investigating committee heretofore created by concurrent resolution of the Senate and Assembly, adopted on or about the 3d day of May, 1913, be and it hereby is directed with all convenient speed to proceed to inquire into the various matters and things contained and alleged in the resolution first above mentioned, and to make public the results of such effort.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 123

NOES 00

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|-----------|----------------|-------------|
| Adler | Eisner | Hover | McCue | Silverstein |
| Baumes | Emden | Hughes | McDaniels | Small |
| Baxter | Esquirol | Ingram | McElligott | Smith J A |
| Benninger | Evans | Jackson | McGrath | Smith M |
| Bovie | Fallon | Jones | McKee | Smith T K |
| Brereton | Farrell | Kelly J A | McKeon | Squire |
| Brewster | Fitzgerald | Kelly J J | McMahon | Sufrin |
| Burden | Gage | Kelly J D | Monahan | Sweet |
| Burr | Gallup | Kelly P J | Norton | Tallett |
| Bush | Garvey | Kenney | O'Connor | Taylor T D |
| Butts | Geoghan | Kerrigan | Oxford | Telford |
| Carroll | Geyer | Kiernan | Patrie | Tudor |
| Caughlan | Gibbs | Knight | Pemberton | Ulrich |
| Cole | Gillen | Knott | Phillips | Van Woert |
| Cotillo | Goldberg | Kornobis | Pullman | Vert |
| Cronin | Greenberg A | Lane | Robinson | Volk |
| Cuvillier | Grimme | Larrimer | Rozan | Walker |
| Daley | Gurnett | Levy | Schaap | Ward |
| Deitz | Hamilton | Lewis | Schifferdecker | Webb |
| Dennen | Hammer | Macdonald | Schniell | Weil |
| Donohue | Hearn | Machold | Schwarz | Willard |
| Dorst | Heyman | Madden | Seaker | Willmott |
| Doty | Hinman | Malone | Seely J L | Wood |
| Dox | Hopkins | Maloney | Seelye G T | Yard |
| Edwards | Horton | McCollum | | |

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Bush, from the committee on ways and means, to which was referred Senate bill introduced by Mr. Frawley (No. 72, Rec. No.

28), entitled "An act making appropriations for the payment and discharge of indebtedness contracted, incurred and accumulated from year to year by departments and officers of the State prior to September thirtieth, nineteen hundred and thirteen, in excess of the appropriations made for said departments and officers," reported in favor of the passage of the same without amendment, which report was agreed to, and said bill placed on the order of second reading.

On motion of Mr. Bush, and by unanimous consent, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY.

To the Legislature:

It appearing to my satisfaction that the public interest requires it; therefore, in accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 68, Printed No. 72), entitled "An act making appropriations for the payment and discharge of indebtedness contracted, incurred and accumulated from year to year by departments and officers of the State prior to September thirteenth, nineteen hundred and thirteen, in excess of the appropriations made for said departments and officers," as amended.

Given under my hand and the Privy Seal of the State at the Capitol in the city of Albany this 11th day of December in the year of our Lord one thousand nine hundred and thirteen.

MARTIN H. GLYNN.

By the Governor:

FRANK A. TIERNEY,
Secretary to the Governor.

Debate was had.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members

elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 123

NOES 00

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|-----------|----------------|-------------|
| Adler | Eisner | Hover | McCue | Silverstein |
| Baumes | Emden | Hughes | McDaniels | Small |
| Baxter | Esquirol | Ingram | McElligott | Smith J A |
| Benninger | Evans | Jackson | McGrath | Smith M |
| Bovie | Fallon | Jones | McKee | Smith T K |
| Brereton | Farrell | Kelly J A | McKeon | Squire |
| Brewster | Fitzgerald | Kelly J J | McMahon | Sufrin |
| Burden | Gage | Kelly J D | Monahan | Sweet |
| Burr | Gallup | Kelly P J | Norton | Tallett |
| Bush | Garvey | Kenney | O'Connor | Taylor T D |
| Butts | Geoghan | Kerrigan | Oxford | Telford |
| Carroll | Geyer | Kiernan | Patrie | Tudor |
| Caughlan | Gibbs | Knight | Pembleton | Ulrich |
| Cole | Gillen | Knott | Phillips | Van Woert |
| Cotillo | Goldberg | Kornobis | Pullman | Vert |
| Cronin | Greenberg A | Lane | Robinson | Volk |
| Cuvillier | Grimme | Larrimer | Rosan | Walker |
| Daley | Gurnett | Levy | Schaap | Ward |
| Deits | Hamilton | Lewis | Schifferdecker | Webb |
| Dennen | Hammer | Macdonald | Schnirel | Weil |
| Donohue | Hearn | Machold | Schwartz | Willard |
| Dorst | Heyman | Madden | Seaker | Willmott |
| Doty | Hinman | Malone | Seely J L | Wood |
| Dox | Hopkins | Maloney | Seelye G T | Yard |
| Edwards | Horton | McCollum | | |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Bush, from the committee on ways and means, to which was referred Senate bill introduced by Mr. Frawley (No. 74, Rec. No. 29), entitled "An act making an appropriation for the payment and discharge of certain judgments and awards made by the Board of Claims with interest thereon, as provided by law," reported in favor of the passage of the same without amendment, which report was agreed to, and said bill placed on the order of second reading.

On motion of Mr. Bush, and by unanimous consent, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY.

To the Legislature:

It appearing to my satisfaction that the public interest requires it: Therefore, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 70, Printed No. 74), entitled "An act making an appropriation for the payment and discharge of certain judgments and awards made by the Board of Claims, with interest thereon, as provided by law."

Given under my hand and the Privy Seal of the State at the Capitol in the city of Albany this 11th day of December in the year of our Lord one thousand nine hundred and thirteen.

MARTIN H. GLYNN.

By the Governor:

FRANK A. TIERNEY,
Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 123

NOES 00

Those who voted in the affirmative were:

| | | | | |
|-----------|------------|-----------|------------|-------------|
| Adler | Eisner | Hover | McCue | Silverstein |
| Baumes | Emden | Hughes | McDaniels | Small |
| Baxter | Esquirol | Ingram | McElligott | Smith J A |
| Benninger | Evans | Jackson | McGrath | Smith M |
| Bovie | Fallon | Jones | McKee | Smith T K |
| Brereton | Farrell | Kelly J A | McKeon | Squire |
| Brewster | Fitzgerald | Kelly J J | McMahon | Sufrin |
| Burden | Gage | Kelly J D | Monahan | Sweet |
| Burr | Gallup | Kelly P J | Norton | Tallett |
| Bush | Garvey | Kenney | O'Connor | Taylor T D |
| Butts | Geoghan | Kerrigan | Oxford | Telford |
| Carroll | Geyer | Kiernan | Patrie | Tudor |
| Caughlan | Gibbs | Knight | Pembleton | Ulrich |
| Cole | Gillen | Knott | Phillips | Van Woert |
| Cotillo | Goldberg | Kornobis | Pullman | Vert |

| | | | | |
|-----------|-------------|-----------|----------------|----------|
| Cronin | Greenberg A | Lane | Robinson | Volk |
| Cuvillier | Grimme | Larrimer | Rozan | Walker |
| Daley | Gurnett | Levy | Schapp | Ward |
| Deitz | Hamilton | Lewis | Schifferdecker | Webb |
| Dennen | Hammer | Macdonald | Schniel | Weil |
| Donohue | Hearn | Maehold | Schwarz | Willard |
| Dorst | Heyman | Madden | Seaker | Willmott |
| Doty | Hinman | Malone | Seely J L | Wood |
| Dox | Hopkins | Maloney | Seelye G T | Yard |
| Edwards | Horton | McCollum | | |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Bush, from the committee on ways and means, to which was referred Senate bill introduced by Mr. Blauvelt (No. 68, Rec. No. 26), entitled "An act to amend the Legislative Law, in relation to the legislative bill drafting commission," reported in favor of the passage of the same without amendment, which report was agreed to, and said bill placed on the order of second reading.

On motion of Mr. Levy, and by unanimous consent, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY.

To the Legislature:

It appearing to my satisfaction that the public interest requires it: Therefore, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 64, Printed No. 68, entitled "An act to amend the Legislative Law, in relation to the legislative bill drafting commission."

Given under my hand and the Privy Seal of the State at the Capitol in the city of Albany this 11th day of
[L. s.] December in the year of our Lord one thousand nine hundred and thirteen.

MARTIN H. GLYNN.

By the Governor:

FRANK A. TIERNEY,
Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 84

NOES 23

Those who voted in the affirmative were:

| | | | | |
|----------|-------------|-----------|------------|----------------|
| Bovie | Dox | Hearn | Levy | Schifferdecker |
| Brewster | Fisner | Heyman | Lewis | Schnirel |
| Burden | Emden | Horton | Madden | Schwarz |
| Burr | Esquirol | Hover | Maloney | Seely J L |
| Bush | Fallon | Hughes | McCue | Small |
| Butts | Farrell | Ingram | McDaniels | Squire |
| Campbell | Gallup | Jackson | McElligott | Taylor F J |
| Carroll | Garvey | Kelly J A | McGrath | Taylor T D |
| Caughlan | Geoghan | Kelly J J | McKee | Telford |
| Cole | Geyer | Kelly J D | McKeon | Tudor |
| Cotillo | Gibbs | Kelly P J | McMahon | Ulrich |
| Cronin | Gillen | Kenney | Monahan | Van Woert |
| Daley | Goldberg | Kerrigan | Oxford | Ward |
| Deitz | Greenberg A | Kiernan | Patrie | Weil |
| Donohue | Grimme | Knott | Pullman | Willard |
| Dorst | Hamilton | Kornobis | Robinson | Yard |
| Doty | Hammer | Lane | Rozan | |

Those who voted in the negative were:

| | | | | |
|---------|---------|-----------|-----------|------|
| Adler | Hopkins | Pembleton | Smith T K | Vert |
| Baumes | Knight | Phillips | Sufrin | Volk |
| Baxter | Machold | Prime | Sweet | Webb |
| Edwards | Malone | Schaap | Tallett | Wood |
| Hinman | Norton | Smith M | | |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Bush, from the committee on ways and means, to which was referred Senate bill (No. 73, Rec. No. 30) introduced by Mr. Fawley, entitled "An act making appropriations for the payment and discharge of indebtedness contracted and incurred by the Executive Department during the fiscal year ending September thirtieth, nineteen hundred and thirteen, in excess of appropriations made for said department," reported in favor of the passage of the same, with the following amendment:

"To D-Cady Herrick for professional services rendered and disbursements made in connection with preparing the case of The People of the State of New York ex rel. John Mitchell against William Sohmer, as Comptroller of the State of New York, authorized by the Governor, incurred during the fiscal year ending September thirtieth, nineteen hundred and thirteen, for which no appropriation is available, one thousand five hundred and sixty-four dollars and fifty cents, \$1,564.50."

which report was agreed to, and said bill ordered reprinted, as amended, and placed on the order of second reading.

On motion of Mr. Bush, and by unanimous consent, said bill as amended was then read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY.

To the Legislature:

It appearing to my satisfaction that the public interest requires it: Therefore, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 69, Printed No. 73) entitled "An act making appropriations for the payment and discharge of indebtedness contracted and incurred by the Executive Department during the fiscal year ending September thirteenth, nineteen hundred and thirteen, in excess of appropriations made for said department."

Given under my hand and the Privy Seal of the State at the Capitol in the city of Albany this 11th day of December in the year of our Lord one thousand nine hundred and thirteen.

MARTIN H. GLYNN.

By the Governor:

FRANK A. TIERNEY,
Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members

elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 95

NOES 27

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|-----------|------------|----------------|
| Benninger | Dox | Hammer | Lewis | Schifferdecker |
| Bovie | Eisner | Hearn | Madden | Schwartz |
| Brewster | Emden | Heyman | Maloney | Seely J L |
| Burden | Esquirol | Hover | McCollum | Silverstein |
| Burr | Evans | Hughes | McCue | Small |
| Bush | Fallon | Ingram | McDaniels | Squire |
| Butts | Farrell | Jackson | McElligott | Sufrin |
| Carroll | Fitzgerald | Kelly J A | McGrath | Taylor T D |
| Caughlan | Gallup | Kelly J J | McKee | Telford |
| Cole | Garvey | Kelly J D | McKeon | Tudor |
| Cotillo | Geoghan | Kelly P J | McMahon | Ulrich |
| Cronin | Geyer | Kenney | Monahan | Van Woert |
| Cuvillier | Gibbs | Kerrigan | O'Connor | Volk |
| Daley | Gillen | Kiernan | Oxford | Walker |
| Deitz | Goldberg | Knott | Patrie | Ward |
| Dennen | Greenberg A | Kornobis | Pullman | Weil |
| Donohue | Grimme | Lane | Robinson | Willard |
| Dorst | Gurnett | Larrimer | Rozan | Willmott |
| Doty | Hamilton | Levy | Schaap | Yard |

Those who voted in the negative were:

| | | | | |
|----------|-----------|-----------|------------|-----------|
| Adler | Hinman | Machold | Schnirel | Smith T K |
| Baumes | Hopkins | Malone | Seaker | Sweet |
| Baxter | Horton | Norton | Seelye G T | Tallett |
| Brereton | Jones | Pembleton | Smith J A | Vert |
| Edwards | Knight | Phillips | Smith M | Wood |
| Gage | Macdonald | | | |

Ordered, That the Clerk, return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same, with amendments.

Mr. Bush, from the committee on ways and means, to which was referred Senate bill (No. 71. Rec. No. 27) introduced by Mr. Frawley, entitled "An act making appropriations for the support of government," reported in favor of the passage of the same, with the following amendments:

Page 18, line 25, strike out the words and figures "Fifteen thousand dollars, \$15,000." and insert in the place thereof "Twenty thousand dollars, \$20,000."

On page 3, line 7, insert the following:

"For Olin H. Landreth, consulting engineer, for services and expenses in re State of New York against the State of New Jersey and the Passaic Valley Sewer Commission from October twenty-second, nineteen hundred and eight, to July eighth, nine-

teen hundred and nine, the sum of five hundred and twelve dollars and fifty-one cents, or so much thereof as may be necessary, to be paid on the approval of the attorney-general, \$512.51."

On page 17, line 17, insert the following:

"[four] five confidential agents for fiscal year beginning October first, nineteen hundred and thirteen, one thousand eight hundred dollars each, nine thousand dollars, \$9,000.00".

On page 18, line 18, insert the following:

"JOHN ROBB.

"For inspection of forest land by John Robb, and commission for purchase of same, the sum of two thousand dollars, \$2,000.00".

On page 19, after line 5, insert the following:

"PROTECTIVE.

"FIRE ISLAND STATE PARK.

"*Salaries.*

"For salaries of:

"Secretary and treasurer, five hundred dollars, \$500.00.

"bathing master, two hundred and fifty dollars, \$250.00.

"Two carpenters, one thousand dollars, \$1,000.00.

"four laborers, eight hundred dollars, \$800.00

"other help, two hundred and twenty-five dollars, \$225.00.

"INCIDENTAL EXPENSES.

"For incidental expenses, two thousand dollars, \$2,000.00."

Page 19, after line 25, insert the following:

"PUBLIC LANDS.

"*Union Free School District No. 1 of the town of Harriestown, N. Y.*

"For Union Free School District No. 1 of the Town of Harriestown, N. Y., for the payment of the amount of taxes levied or which should have been levied, pursuant to section twenty-two of the Tax Law, for the years 1899 to 1911, inclusive, upon the real property in such Union Free School District No. 1 used by the board of trustees of Cornell University for a college of forestry under claim of title by virtue of a deed or conveyance from State pursuant to chapter one hundred and twenty-two of the Laws of 1898, which deed or conveyance has been determined by the Court of Appeals to be ineffectual and void; payable by the

Treasurer on the warrant and audit of the Comptroller to the trustees of said Union Free School District for general school purposes nine thousand six hundred and ninety-six dollars and seventeen cents, \$9,696.17."

Page 20, insert after line 21, the following:

PUBLIC LANDS, TOWN OF CLIFTON.

"The sum of ten hundred and twenty-five dollars and fourteen cents (\$1,025.14), or so much thereof as may be necessary, is hereby appropriated for the payment of taxes assessed in the year nineteen hundred and twelve upon wild or forest lands of the State in the town of Clifton, Saint Lawrence county; but the money hereby appropriated shall not be paid to the town until the assessment roll of such town shall have been filed with the Conservation Commission and the State Comptroller, as required by section twenty-two of the Tax Law, as amended by chapter two hundred and forty-five of the Laws of nineteen hundred and twelve, nor until such assessment shall have been approved by the Comptroller as required by such section."

which report was agreed to, and said bill ordered reprinted, as amended, and placed on the order of second reading.

Mr. Hinman moved to amend said bill as follows:

At the end of the last line of the title before the period insert "and to replenish funds in the State treasury depleted by former appropriations".

Renumber "§ 3" to be "§ 4", and insert before such section a new section to be section 3 to read as follows:

"§ 3. Chapter four hundred and fifty-one of the Laws of nineteen hundred and eleven, creating the new office of State Fire Marshal, is hereby repealed, and the sum of about one hundred and nine thousand dollars, being the unexpended balance of moneys appropriated for such office by chapter seven hundred and ninety-two of the Laws of nineteen hundred and thirteen, is hereby transferred to the general fund and made available for general purposes.

"Chapter two hundred and eighty of the Laws of nineteen hundred and ten, establishing the Department of Efficiency and Economy, is hereby repealed, and the sum of about two hundred and twenty-five thousand dollars, being the unexpended balance of moneys appropriated for such department by chapters seven hundred and ninety-one and seven hundred and ninety-two of the Laws of nineteen hundred and thirteen, is hereby transferred to the general fund and made available for general purposes.

"Chapter seven hundred and sixty-seven of the Laws of nineteen hundred and thirteen, appropriating twenty-five thousand dollars for the investigation of free text books by the State Department of Efficiency and Economy, is hereby repealed and the unexpended balance of such appropriation is hereby transferred to the general fund and made available for general purposes.

"Of the sum of two hundred and fifty thousand dollars appropriated by chapter three hundred and forty-seven of the Laws of nineteen hundred and thirteen for the Panama-Pacific Exposition Commission, one hundred thousand dollars is hereby transferred to the general fund and made available for general purposes, leaving one hundred and fifty thousand dollars, or the unexpended balance thereof, available for the purposes of such Commission.

"Of the sum of fifteen thousand dollars appropriated by chapter five hundred and eighty-eight of the Laws of nineteen hundred and thirteen for the investigation of pensions for widows and mothers, the sum of ten thousand dollars is hereby transferred to the general fund and made available for general purposes, leaving the sum of five thousand dollars for the reasonable expenses of such investigation.

"Chapter five hundred and seventy-nine of the Laws of nineteen hundred and thirteen, creating a bureau of supervision of small loans is hereby repealed, and the unexpended balance of moneys appropriated for such bureau, estimated at twenty thousand dollars, is hereby returned to the State Treasury.

"Of the sum of eighty thousand dollars appropriated by chapter six hundred and twenty-five of the Laws of nineteen hundred and thirteen for the commission on sites, grounds and buildings, forty thousand dollars is hereby transferred to the general fund and made available for general purposes, leaving forty thousand dollars, or the unexpended balance thereof, for the purposes of such association.

"So much of chapter seven hundred and ninety-one and seven hundred and ninety-two of the Laws of nineteen hundred and thirteen as appropriate moneys for investigations by the State Commissioner of Health, estimated at twenty thousand dollars, are hereby repealed and the unexpended balance of such moneys transferred to the general fund and made available for general purposes.

"The item of chapter seven hundred and ninety-two of the Laws of nineteen hundred and thirteen appropriating the sum of twenty-five thousand dollars for a commission to revise the Tax Law is hereby repealed.

"Chapter seven hundred and five of the Laws of nineteen hundred and thirteen, establishing a commission to revise the Insurance Law and appropriating twenty-five thousand dollars therefor is hereby repealed.

"So much of the various acts and parts of acts of the Legislature of nineteen hundred and thirteen as create the following new offices, with aggregate salaries of twenty-two thousand dollars are hereby repealed, namely: Executive auditor; confidential stenographer to Governor; stenographer to Governor's counsel; private secretary to Secretary of State; deputy chief motor vehicle bureau; stenographer to deputy comptroller; deputy attorney-general; director of vital statistics.

"The twenty district sanitary supervisors at three thousand dollars each are hereby reduced to ten, such supervisors and the act creating such offices amended accordingly.

"So much of the various acts and parts of acts of the Legislature of nineteen hundred and thirteen as create the following new offices, with aggregate salaries of thirty-three thousand five hundred dollars are hereby repealed, namely: Director child hygiene; secretary to Commissioner of Labor; two assistant counsel, Labor Department; two chief factory inspectors; assistant chief factory inspector; three chiefs divisions, Labor Department; supervisor of printing, Labor Department.

"Of the one hundred and forty-nine Labor Department inspectors created by the Legislature of nineteen hundred and thirteen, the offices of seventy-four of such inspectors are hereby abolished and moneys appropriated for their salaries aggregating approximately fifty per cent of the sum of one hundred and sixty-seven thousand five hundred and eighty dollars, or the unexpended balance thereof, are hereby transferred to the general fund and made available for general purposes.

"So much of the various acts and parts of acts of the Legislature of nineteen hundred and thirteen as create the following new offices, with aggregate salaries of eighty-three thousand seven hundred dollars are hereby repealed, namely; Auditor, Trustees Public Buildings; private secretary, Fiscal Supervisor; second deputy fiscal supervisor; chief inspector, Fiscal Supervisor; deputy commissioner of highways; three division highway engineers; assistant to first deputy highways; two stenographers; confidential agent to Highway Commissioner; advisory engineer to first deputy; confidential highway inspector; correspondence clerk highways; ten special agents, Tax Commissioners; five special examiners, Tax Commissioners.

"All acts and parts of acts of the Legislature of nineteen hundred and thirteen, appropriating in the aggregate upwards of five

hundred thousand dollars for traveling expenses for various State officers and employees, are hereby repealed insofar as they appropriate moneys in excess of fifty per cent thereof, and the moneys representing such excess are hereby transferred to the general fund and made available for general purposes.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

On motion of Mr. Bush, and by unanimous consent, said bill as amended was read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,

ALBANY.

To the Legislature:

It appearing to my satisfaction that the public interest requires it: Therefore, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 67, Printed No. 71) entitled "An act making appropriations for the support of government," as amended.

Given under my hand and the Privy Seal of the State at the Capitol in the city of Albany this 11th day of December in the year of our Lord one thousand nine hundred and thirteen.

MARTIN H. GLYNN.

By the Governor:

FRANK A. TIERNEY,

Secretary to the Governor.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 123

NOES 00

Those who voted in the affirmative were:

| | | | | |
|-----------|--------------|-----------|----------------|-------------|
| Adler | Dox | Hopkins | McCue | Silverstein |
| Allen | Edwards | Horton | McDaniels | Small |
| Baumes | Eisner | Hover | McElligott | Smith J A |
| Baxter | Emden | Hughes | McGrath | Smith M |
| Benninger | Esquirol | Ingram | McKee | Smith T K |
| Birkkrant | Evans | Jackson | McKeon | Squire |
| Bovie | Fallon | Jones | McMahon | Sufirin |
| Bradley | Farrell | Jude | Monahan | Sullivan |
| Brereton | Fitzgerald | Kane | Norton | Sutphin |
| Brewster | Finnigan | Kelly J A | O'Brien | Sweet |
| Bryant | Fuller | Kelly J J | O'Connor | Tallett |
| Burden | Gage | Kelly J D | Oxford | Taylor F J |
| Burr | Gallup | Kelly P J | Pappert | Taylor T D |
| Bush | Garvey | Kenney | Patrie | Telford |
| Butts | Gathright | Kerrigan | Pembleton | Tudor |
| Campbell | Geoghan | Kiernan | Phillips | Ulrich |
| Carroll | Geyer | Knight | Prime | Van Woert |
| Carver | Gibbs | Knott | Pullman | Vert |
| Caughlan | Gillen | Kornobis | Richardson | Volk |
| Cole | Gillett | Lane | Robinson | Walker |
| Cotillo | Goldberg | Larrimer | Rozan | Ward |
| Cronin | Grace | Levy | Schaap | Webb |
| Cuvillier | Greenberg A. | Lewis | Schifferdecker | Weil |
| Daley | Grimme | Macdonald | Schnirel | Willard |
| Deitz | Gurnett | Machold | Schwarz | Willmott |
| Dennen | Hamilton | Madden | Seaker | Wood |
| Denney | Hammer | Magee | Seely J L | Yale |
| Donohue | Hearn | Malone | Seelye G T | Yard |
| Dorst | Heyman | Maloney | Shepardson | Yeomans |
| Doty | Hinman | McCollum | | |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same, with amendments.

Mr. McMahan offered for the consideration of the House a resolution, in the words following:

Resolved, That the committee on the judiciary be discharged from the further consideration of Senate bill (No. 67, Rec. No. 35) entitled "An act to amend chapter five hundred and forty-eight of the Laws of nineteen hundred and twelve, entitled 'An act to erect the county of Bronx from the territory now comprised within the limits of the borough of the Bronx, in the city of New York, as constituted by chapter three hundred and seventy-eight of the Laws of eighteen hundred and ninety-seven, and all acts amendatory thereof and supplemental thereto,' relative to the publication of legal notices within said county of Bronx."

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

On motion of Mr. McMahon, and by unanimous consent, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,

ALBANY.

To the Legislature:

It appearing to my satisfaction that the public interest requires it: Therefore, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 63, Printed No. 67) entitled "An act to amend chapter five hundred and forty-eight of the Laws of nineteen hundred and twelve, entitled 'An act to erect the county of Bronx from the territory now comprised within the limits of the borough of the Bronx, in the city of New York, as constituted by chapter three hundred and seventy-eight of the Laws of eighteen hundred and ninety-seven, and all acts amendatory thereof and supplemental thereto,' relative to the publication of legal notices within said county of Bronx."

Given under my hand and the Privy Seal of the State at the Capitol in the city of Albany this 12th day of December in the year of our Lord one thousand nine hundred and thirteen.

MARTIN H. GLYNN.

By the Governor:

FRANK A. TIERNEY,

Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 123

NOES 00

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|------------|----------------|-------------|
| Adler | Dox | Hopkins | McCue | Silverstein |
| Allen | Edwards | Horton | McDaniels | Small |
| Baumes | Eisner | Hover | McElligott | Smith J A |
| Baxter | Emden | Hughes | McGrath | Smith M |
| Benninger | Esquirol | Ingram | McKee | Smith T K |
| Birnkrant | Evans | Jackson | McKeon | Squire |
| Bovie | Fallon | Jones | McMahon | Sufrin |
| Bradley | Farrell | Jude | Monahan | Sullivan |
| Brereton | Fitzgerald | Kane | Norton | Sutphin. |
| Brewster | Finnigan | Kelly J A | O'Brien | Sweet |
| Bryant | Fuller | Kelly J J | O'Connor | Tallett |
| Burden | Gage | Kelly J D | Oxford | Taylor F J |
| Burr | Gallup | Kelley P J | Pappert | Taylor T D |
| Bush | Garvey | Kenney | Patrie | Telford |
| Butts | Gathright | Kerrigan | Pemberton | Tudor |
| Campbell | Geoghan | Kiernan | Phillips | Ulrich |
| Carroll | Geyer | Knight | Prime | Van Woert |
| Carver | Gibbs | Knott | Pullman | Vert |
| Caughlan | Gillen | Kornobis | Richardson | Volk |
| Cole | Gillett | Lane | Robinson | Walker |
| Cotillo | Goldberg | Larrimer | Rozan | Ward |
| Cronin | Grace | Levy | Schaap | Webb |
| Cuvillier | Greenberg A | Lewis | Schifferdecker | Weil |
| Daley | Grimme | Macdonald | Schnirel | Willard |
| Deitz | Gurnett | Maehold | Schwarz | Willmott |
| Dennen | Hamilton | Madden | Seaker | Wood |
| Denney | Hammer | Magee | Seely J L | Yale |
| Donohue | Hearn | Malone | Seelye G T | Yard |
| Dorst | Heyman | Maloney | Shepardson | Yeomans |
| Doty | Hinman | McCollum | | |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Carroll offered for the consideration of the House a resolution, in the words following:

Resolved, That the committee on affairs of cities be discharged from the further consideration of Senate bill (No. 64, Rec. No. 22) entitled "An act to amend the Greater New York charter, in relation to salaries of the teaching staff of the board of education."

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY.

To the Legislature:

It appearing to my satisfaction that the public interest requires it: Therefore, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 60, Printed No. 64) entitled "An act to amend the Greater New York charter, in relation to salaries of the teaching staff of the board of education."

Given under my hand and the Privy Seal of the State at
the Capitol in the city of Albany this 9th day of
[L. s.] December in the year of our Lord one thousand nine
hundred and thirteen.

MARTIN H. GLYNN.

By the Governor:

FRANK A. TIERNEY,

Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 123

NOES 00

Those who voted in the affirmative were:

| | | | | |
|-----------|------------|-----------|------------|-------------|
| Adler | Dox | Hopkins | McCue | Silverstein |
| Allen | Edwards | Horton | McDaniels | Small |
| Baumes | Eisner | Hover | McElligott | Smith J A |
| Baxter | Emden | Hughes | McGrath | Smith M |
| Benninger | Esquirol | Ingram | McKee | Smith T K |
| Birnkrant | Evans | Jackson | McKeon | Squire |
| Bovie | Fallon | Jones | McMahon | Sufrin |
| Bradley | Farrell | Jude | Monahan | Sullivan |
| Brereton | Fitzgerald | Kane | Norton | Sutphin |
| Brewster | Finnigan | Kelly J A | O'Brien | Sweet |
| Bryant | Fuller | Kelly J J | O'Conor | Tallett |
| Burden | Gage | Kelly J D | Oxford | Taylor F J |
| Burr | Gallup | Kelly P J | Pappert | Taylor T D |
| Bush | Garvey | Kenney | Patrie | Telford |
| Butts | Gathright | Kerrigan | Pembleton | Tudor |
| Campbell | Geoghan | Kiernan | Phillips | Ulrich |
| Carroll | Geyer | Knight | Prime | Van Woert |

| | | | | |
|-----------|-------------|-----------|----------------|----------|
| Carver | Gibbs | Knott | Pullman | Vert |
| Caughlan | Gillen | Kornobis | Richardson | Volk |
| Cole | Gillett | Lane | Robinson | Walker |
| Cotillo | Goldberg | Larrimer | Rozan | Ward |
| Cronin | Grace | Levy | Schaap | Webb |
| Cuvillier | Greenberg A | Lewis | Schifferdecker | Weil |
| Daley | Grimme | Macdonald | Schnirel | Willard |
| Deits | Gurnett | Machold | Schwarz | Willmott |
| Dennen | Hamilton | Madden | Seaker | Wood |
| Denney | Hammer | Magee | Seely J L | Yale |
| Donohue | Hearn | Malone | Seelye G T | Yard |
| Dorst | Heyman | Maloney | Shepardson | Yeomans |
| Doty | Hinman | McCollum | | |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Edwards offered for the consideration of the House a resolution, in the words following:

Resolved, That the committee on affairs of cities be discharged from the further consideration of Senate bill (No. 65, Rec. No. 23) entitled "An act authorizing the city of Binghamton to issue emergency notes for the purpose of maintaining the public schools."

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY.

To the Legislature:

It appearing to my satisfaction that the public interest requires it: Therefore, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 61, Printed No. 65) entitled "An act authorizing the city of Binghamton to issue emergency notes for the purpose of maintaining the public schools."

Given under my hand and the Privy Seal of the State at
the Capitol in the city of Albany this 10th day of
[L. S.] December in the year of our Lord one thousand nine
hundred and thirteen.

(Signed) MARTIN H. GLYNN.

By the Governor:

FRANK A. TIERNEY,

Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 123

NOES 00

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|-----------|----------------|-------------|
| Adler | Dox | Hopkins | McCue | Silverstein |
| Allen | Edwards | Horton | McDaniels | Small |
| Baumes | Eisner | Hover | McElligott | Smith J A |
| Baxter | Emden | Hughes | McGrath | Smith M |
| Benninger | Esquirol | Ingram | McKee | Smith T K |
| Birnkrant | Evans | Jackson | McKeon | Squire |
| Bovie | Fallon | Jones | McMahon | Sufrin |
| Bradley | Farrell | Jude | Monahan | Sullivan |
| Brereton | Fitzgerald | Kane | Norton | Sutphin |
| Brewster | Finnigan | Kelly J A | O'Brien | Sweet |
| Bryant | Fuller | Kelly J J | O'Connor | Tallett |
| Burden | Gage | Kelly J D | Oxford | Taylor F J |
| Burr | Gallup | Kelly P J | Pappert | Taylor T D |
| Bush | Garvey | Kenney | Patrie | Telford |
| Butts | Gathright | Kerrigan | Pembleton | Tudor |
| Campbell | Geoghan | Kiernan | Phillips | Ulrich |
| Carroll | Geyer | Knight | Prime | Van Woert |
| Carver | Gibbs | Knott | Pullman | Vert |
| Caughlan | Gillen | Kornobis | Richardson | Volk |
| Cole | Gillett | Lane | Robinson | Walker |
| Cotillo | Goldberg | Larrimer | Rozan | Ward |
| Cronin | Grace | Levy | Schaap | Webb |
| Cuvillier | Greenberg A | Lewis | Schifferdecker | Weil |
| Daley | Grimme | Macdonald | Schnirel | Willard |
| Deitz | Gurnett | Machold | Schwarz | Willmott |
| Dennen | Hamilton | Madden | Seaker | Wood |
| Denney | Hammer | Magee | Seely J L | Yale |
| Donohue | Hearn | Malone | Seelye G T | Yard |
| Dorst | Heyman | Maloney | Shepardson | Yeomans |
| Doty | Hinman | McCollum | | |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. McKee offered for the consideration of the House a resolution, in the words following:

Resolved, That the committee on the judiciary be discharged from the further consideration of Senate bill (No. 62, Rec. No. 20) entitled "An act to amend the Judiciary Law, in relation to clerks, attendants, messengers and court officers in Kings, Queens and Richmond counties."

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK.—EXECUTIVE CHAMBER,
ALBANY.

To the Legislature:

It appearing to my satisfaction that the public interest requires it: Therefore, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 58, Printed No. 62) entitled "An act to amend the Judiciary Law, in relation to clerks, attendants, messengers and court officers in Kings, Queens and Richmond counties."

Given under my hand and the Privy Seal of the State at the Capitol in the city of Albany this 9th day of
[L. s.] December in the year of our Lord one thousand nine hundred and thirteen.

(Signed) MARTIN H. GLYNN.

By the Governor:

FRANK A. TIERNEY,
Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 123

NOES 00

Those who voted in the affirmative were:

| | | | | |
|-----------|----------|---------|------------|-------------|
| Adler | Dox | Hopkins | McCue | Silverstein |
| Allen | Edwards | Horton | McDaniels | Small |
| Baumes | Eisner | Hover | McElligott | Smith J A |
| Baxter | Emden | Hughes | McGrath | Smith M |
| Benninger | Esquirol | Ingram | McKee | Smith T K |
| Birnkrant | Evans | Jackson | McKeon | Squire |
| Bovie | Fallon | Jones | McMahon | Sufrin |

| | | | | |
|-----------|-------------|-----------|----------------|------------|
| Bradley | Farrell | Jude | Monahan | Sullivan |
| Brereton | Fitzgerald | Kane | Norton | Sutphin |
| Brewster | Finnigan | Kelly J A | O'Brien | Sweet |
| Bryant | Fuller | Kelly J J | O'Connor | Tallett |
| Burden | Gage | Kelly J D | Oxford | Taylor F J |
| Burr | Gallup | Kelly P J | Pappert | Taylor T D |
| Bush | Garvey | Kenney | Patrie | Telford |
| Butts | Gathright | Kerrigan | Pembleton | Tudor |
| Campbell | Geoghan | Kiernan | Phillips | Ulrich |
| Carroll | Geyer | Knight | Prime | Van Woert |
| Carver | Gibbs | Knott | Pullman | Vert |
| Caughlan | Gillen | Kornobis | Richardson | Volk |
| Cole | Gillett | Lane | Robinson | Walker |
| Cotillo | Goldberg | Larrimer | Rozan | Ward |
| Cronin | Grace | Levy | Schaap | Webb |
| Cuvillier | Greenberg A | Lewis | Schifferdecker | Weil |
| Daley | Grimme | Macdonald | Schnirel | Willard |
| Deits | Gurnett | Machold | Schwartz | Willmott |
| Dennen | Hamilton | Madden | Seaker | Wood |
| Denney | Hammer | Magee | Seely J L | Yale |
| Donohue | Hearn | Malone | Seelye G T | Yard |
| Dorst | Heyman | Maloney | Shepardson | Yeomans |
| Doty | Hinman | McCollum | | |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. McMahon offered for the consideration of the House a resolution, in the words following:

Resolved, That the committee on the judiciary be discharged from the further consideration of Senate bill (No. 76, Rec. No. 36) entitled "An act to amend chapter five hundred and forty-eight of the Laws of nineteen hundred and twelve, entitled 'An act to erect the county of Bronx from the territory now comprised within the limits of the borough of Bronx, in the city of New York, as constituted by chapter three hundred and seventy-eight of the Laws of eighteen hundred and ninety-seven, and all acts amendatory thereof and supplemental thereto,' in relation to county officers and employees and county detectives."

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY.

To the Legislature:

It appearing to my satisfaction that the public interest requires it: Therefore, In accordance with the provisions of section

fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 71, Printed No. 76) entitled "An act to amend chapter five hundred and forty-eight of the Laws of nineteen hundred and twelve, entitled 'An act to erect the county of Bronx from the territory now comprised within the limits of the borough of Bronx, in the city of New York, as constituted by chapter three hundred and seventy-eight of the Laws of eighteen hundred and ninety-seven, and all acts amendatory thereof and supplemental thereto,' in relation to county officers and employees and county detectives."

Given under my hand and the Privy Seal of the State at the Capitol in the city of Albany this 11th day of December in the year of our Lord one thousand nine hundred and thirteen.

(Signed) MARTIN H. GLYNN.

By the Governor:

FRANK A. TIERNEY,
Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 123

NOES 00

Those who voted in the affirmative were:

| | | | | |
|-----------|------------|-----------|------------|-------------|
| Adler | Dox | Hopkins | McCue | Silverstein |
| Allen | Edwards | Horton | McDaniels | Small |
| Baumes | Eisner | Hover | McElligott | Smith J A |
| Baxter | Emden | Hughes | McGrath | Smith M |
| Benninger | Esquirol | Ingram | McKee | Smith T K |
| Birnkrant | Evans | Jackson | McKeon | Squire |
| Bovie | Fallon | Jones | McMahon | Sufrin |
| Bradley | Farrell | Jude | Monahan | Sullivan |
| Brereton | Fitzgerald | Kane | Norton | Sutphin |
| Brewster | Finnigan | Kelly J A | O'Brien | Sweet |
| Bryant | Fuller | Kelly J J | O'Connor | Tallett |
| Burden | Gage | Kelly J D | Oxford | Taylor F J |
| Burr | Gallup | Kelly P J | Pappert | Taylor T D |
| Bush | Garvey | Kenney | Patrie | Telford |
| Butts | Gathright | Kerrigan | Pembleton | Tudor |
| Campbell | Geoghan | Kiernan | Phillips | Ulrich |

| | | | | |
|-----------|-------------|-----------|----------------|-----------|
| Carroll | Geyer | Knight | Prime | Van Woert |
| Carve | Gibbs | Knott | Pullman | Vert |
| Caughlan | Gillen | Kornobis | Richardson | Volk |
| Cole | Gillett | Lane | Robinson | Walker |
| Cotillo | Goldberg | Larrimer | Rozan | Ward |
| Cronin | Grace | Levy | Schaap | Webb |
| Cuvillier | Greenberg A | Lewis | Schifferdecker | Weil |
| Daley | Grimme | Macdonald | Schnirel | Willard |
| Deitz | Gurnett | Machold | Schwarz | Willmott |
| Dennen | Hamilton | Madden | Seaker | Wood |
| Denney | Hammer | Magee | Seely J L | Yale |
| Donohue | Hearn | Malone | Seelye G T | Yard |
| Dorst | Heyman | Maloney | Shepardson | Yeomans |
| Doty | Hinman | McCollum | | |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Schnirel offered for the consideration of the House a resolution, in the words following:

Resolved, That the committee on affairs of cities be discharged from the further consideration of Senate bill (No. 63, Rec. No. 21) entitled "An act to legalize an issue of forty thousand dollars of bonds of the city of Geneva, authorized at a special election in said city held May twenty-third, nineteen hundred and eleven."

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY.

To the Legislature:

It appearing to my satisfaction that the public interest requires it: Therefore, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 59, Printed No. 63) entitled "An act to legalize an issue of forty thousand dollars of bonds of the city of Geneva, authorized at a special election in said city held May twenty-third, nineteen hundred and eleven."

Given under my hand and the Privy Seal of the State at the Capitol in the city of Albany this 11th day of
[L. s.] December in the year of our Lord one thousand nine hundred and thirteen.

(Signed) MARTIN H. GLYNN.

By the Governor:

FRANK A. TIERNEY,

Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 123

NOES 00

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|-----------|----------------|-------------|
| Adler | Dox | Hopkins | McCue | Silverstein |
| Allen | Edwards | Horton | McDaniels | Small |
| Baumes | Eisner | Hover | McElligott | Smith J A |
| Baxter | Emden | Hughes | McGrath | Smith M |
| Benninger | Esquirol | Ingram | McKee | Smith T K |
| Birnkrant | Evans | Jackson | McKeon | Squire |
| Bovie | Fallon | Jones | McMahon | Sufran |
| Bradley | Farrell | Jude | Monahan | Sullivan |
| Brereton | Fitzgerald | Kane | Norton | Sutphin |
| Brewster | Finnigan | Kelly J A | O'Brien | Sweet |
| Bryant | Fuller | Kelly J J | O'Connor | Tallett |
| Burden | Gage | Kelly J D | Oxford | Taylor F J |
| Burr | Gallup | Kelly P J | Pappert | Taylor T D |
| Bush | Garvey | Kenney | Patrie | Telford |
| Butts | Gathright | Kerrigan | Pembleton | Tudor |
| Campbell | Geoghan | Kiernan | Phillips | Ulrich |
| Carroll | Geyer | Knight | Prime | Van Woert |
| Carver | Gibbs | Knott | Pullman | Vert |
| Caughlan | Gillen | Kornobis | Richardson | Volk |
| Cole | Gillett | Lane | Robinson | Walker |
| Cotillo | Goldberg | Larrimer | Rozan | Ward |
| Cronin | Grace | Levy | Schaap | Webb |
| Cuvillier | Greenberg A | Lewis | Schifferdecker | Weil |
| Daley | Grimme | Macdonald | Schnirel | Willard |
| Deitz | Gurnett | Machold | Schwarz | Willmott |
| Dennen | Hamilton | Madden | Seaker | Wood |
| Denney | Hammer | Magee | Seely J L | Yale |
| Donohue | Hearn | Malone | Seelye G T | Yard |
| Dorst | Heyman | Maloney | Shepardson | Yeomans |
| Doty | Hinman | McCollum | | |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Levy offered for the consideration of the House a resolution, in the words following:

Resolved, That the committee on the judiciary be discharged from the further consideration of Senate bill (No. 77, Rec. No. 33) entitled "An act to amend the Election Law, in relation to direct primaries and to elections, generally."

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Levy moved that said bill be recommitted to the committee on the judiciary, with instructions to report the same forthwith amended as follows:

Page 13, line 19, before "one" insert in italics "at least".

Line 21, after "trict" and before the period insert in italics ", proportional to the party vote in the district for governor at the last preceding gubernatorial election; or, if no additional members are required by the rules, the voting power of each member shall be in proportion to such vote".

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Goldberg, from the committee on the judiciary, reported said bill amended as directed, and the same was ordered reprinted and placed on the order of third reading.

Mr. Schaap moved that said bill be recommitted to the committee on the judiciary, with instructions to report the same forthwith amended as follows:

Strike out section 33 and inserting in lieu thereof the following:

"§ 33. Section seventy-four of such chapter as amended by chapter eight hundred and ninety-one of the Laws of nineteen hundred and eleven, is hereby amended to read as follows:

"§ 74. Primary district, officers and polling places. [The custodian of primary records shall thirty days before each official primary day, divide every ward or assembly district in a city and every village having five thousand inhabitants or more into primary districts, each of which shall consist of two contiguous election districts, except that in case there is an odd number of election districts in such ward, assembly district or village, the highest numbered election district shall be a primary district by itself.] Each election district shall constitute a primary district. There shall be [two] one polling place[s] in each of such primary districts which shall be designated and provided at public expense by the officers or boards whose duty it is to provide polling places for days of general election, and which shall be, so far as [they are] available, the same place[s as were] used for the last preceding general election. [The custodian of primary records shall assign one of the polling places in each such primary district to the party

which, at the last election of a Governor, cast the highest number of votes for Governor, and at the other polling place in such primary district there shall be held the primary elections of all other parties. In all other villages and towns, each election district shall constitute a primary district. Except in a city or village having more than five thousand inhabitants.] If any other polling place is designated it must comply with all the requirements hereinafter prescribed in section two hundred and ninety-nine for polling places for general elections.

"There shall be for each primary district a board of primary election officers, which shall consist of the election inspectors, poll clerks and ballot clerks for the election district [comprising] constituting such primary district. In election districts in which voting machines are used at the general election the ballot clerks to serve at the primary election shall be appointed by the board of election inspectors for the purposes of such primary election only. [In a city or village having more than five thousand inhabitants there shall be for each primary district two boards of primary election officers, one of which shall consist of the election inspectors, poll clerks and ballot clerks for the election district or districts comprised within such primary district who shall at the time represent the party which at the last preceding election of a Governor shall have cast the largest number of votes for Governor, and the other of which shall consist of the election inspectors, poll clerks and ballot clerks who shall represent the party which, at such election, shall have cast the second largest number of votes for Governor. The first mentioned of said boards shall conduct the primary elections of the party represented by its members, and the second mentioned of said boards shall conduct the primary elections of all other parties at the time entitled to hold primary elections.] "

Debate was had.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY.

To the Legislature:

It appearing to my satisfaction that the public interest requires it: Therefore, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of

the immediate passage of Senate bill (Int. No. 47, Printed No. 51) entitled "An act to amend the Election Law, in relation to direct primaries and to elections generally," as amended.

Given under my hand and the Privy Seal of the State at the Capitol in the city of Albany this eleventh day of December in the year of our Lord one thousand nine hundred and thirteen.

MARTIN H. GLYNN.

By the Governor:

FRANK A. TIERNEY,
Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 123

NOES 00

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|-----------|----------------|-------------|
| Adler | Dox | Hopkins | McCue | Silverstein |
| Allen | Edwards | Horton | McDaniels | Small |
| Baumes | Eisner | Hover | McElligott | Smith J A |
| Baxter | Emden | Hughes | McGrath | Smith M |
| Benninger | Esquirol | Ingram | McKee | Smith T K |
| Birnkrant | Evans | Jackson | McKeon | Squire |
| Bovie | Fallon | Jones | McMahon | Sufrin |
| Bradley | Farrell | Jude | Monahan | Sullivan |
| Brereton | Fitzgerald | Kane | Norton | Sutphin |
| Brewster | Finnigan | Kelly J A | O'Brien | Sweet |
| Bryant | Fuller | Kelly J J | O'Connor | Tallett |
| Burden | Gage | Kelly J D | Oxford | Taylor F J |
| Burr | Gallup | Kelly P J | Pappert | Taylor T D |
| Bush | Garvey | Kenney | Patrie | Telford |
| Butts | Gathright | Kerrigan | Pemberton | Tudor |
| Campbell | Geoghan | Kiernan | Phillips | Ulrich |
| Carroll | Geyer | Knight | Prime | Van Woert |
| Carver | Gibbs | Knott | Pullman | Vert |
| Caughlan | Gillen | Kornobis | Richardson | Volk |
| Cole | Gillett | Lane | Robinson | Walker |
| Cotillo | Goldberg | Larrimer | Rozan | Ward |
| Cronin | Grace | Levy | Schaap | Webb |
| Cuvillier | Greenberg A | Lewis | Schifferdecker | Weil |
| Daley | Grimme | Macdonald | Schnirel | Willard |
| Deits | Gurnett | Machold | Schwarz | Willmott |
| Dennen | Hamilton | Madden | Seaker | Wood |
| Denney | Hammer | Magee | Seely J L | Yale |
| Donohue | Hearn | Malone | Seelye G T | Yard |
| Dorst | Heyman | Maloney | Shepardson | Yeomans |
| Doty | Hinman | McCollum | | |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same, with amendments.

Mr. Levy offered for the consideration of the House a resolution, in the words following:

Resolved, That the committee on ways and means be discharged from the further consideration of Senate bill (No. 58, Rec. No. 18) entitled "An act to amend the Agricultural Law, in relation to the membership of the State Fair Commission."

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY.

To the Legislature:

It appearing to my satisfaction that the public interest requires it: Therefore, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 54, Printed No. 58) entitled "An act to amend the Agricultural Law, in relation to the membership of the State Fair Commission."

Given under my hand and the Privy Seal of the State at
[L. s.] the Capitol in the city of Albany this ninth day of
December in the year of our Lord one thousand nine
hundred and thirteen.

MARTIN H. GLYNN.

By the Governor:

FRANK A. TIERNEY,
Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 123

NOES 00

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|-----------|----------------|-------------|
| Adler | Dox | Hopkins | McCue | Silverstein |
| Allen | Edwards | Horton | McDaniels | Small |
| Baumes | Eisner | Hover | McElligott | Smith J A |
| Baxter | Emden | Hughes | McGrath | Smith M |
| Benninger | Esquirol | Ingram | McKee | Smith T K |
| Birnkrant | Evans | Jackson | McKeon | Squire |
| Bovie | Fallon | Jones | McMahon | Sufrin |
| Bradley | Farrell | Jude | Monahan | Sullivan |
| Brereton | Fitzgerald | Kane | Norton | Sutphin |
| Brewster | Finnigan | Kelly J A | O'Brien | Sweet |
| Bryant | Fuller | Kelly J J | O'Connor | Tallett |
| Burden | Gage | Kelly J D | Oxford | Taylor F J |
| Burr | Gallup | Kelly P J | Pappert | Taylor T D |
| Bush | Garvey | Kenney | Patrie | Telford |
| Butts | Gathright | Kerrigan | Pembleton | Tudor |
| Campbell | Geoghan | Kiernan | Phillips | Ulrich |
| Carroll | Geyer | Knight | Prime | Van Woert |
| Carver | Gibbs | Knott | Pullman | Vert |
| Caughlan | Gillen | Kornobis | Richardson | Volk |
| Cole | Gillett | Lane | Robinson | Walker |
| Cotillo | Goldberg | Larrimer | Rozan | Ward |
| Cronin | Grace | Levy | Schaap | Webb |
| Cuvillier | Greenberg A | Lewis | Schifferdecker | Weil |
| Daley | Grimme | Macdonald | Schnirel | Willard |
| Deitz | Gurnett | Machold | Schwarz | Willmott. |
| Dennen | Hamilton | Madden | Seaker | Wood |
| Denney | Hammer | Magee | Seely J L | Yale |
| Donohue | Hearn | Malone | Seelye G T | Yard |
| Dorst | Heyman | Maloney | Shepardson | Yeomans |
| Doty | Hinman | McCollum | | |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Levy offered for the consideration of the House a resolution, in the words following:

Resolved, That the committee on ways and means be discharged from the further consideration of Senate bill (No. 56, Rec. No. 16) entitled "An act to amend chapter five hundred and forty-one of the Laws of nineteen hundred and twelve, entitled 'An act to provide for the representation of the State of New York, at the Panama-Pacific International Exposition at San Francisco, California, celebrating the opening and commercial use of the Panama canal, and making an appropriation therefor,' in relation to the membership of the commission."

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY.

To the Legislature:

It appearing to my satisfaction that the public interest requires it: Therefore, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 52, Printed No. 56) entitled "An act to amend chapter five hundred and forty-one of the Laws of nineteen hundred and twelve, entitled 'An act to provide for the representation of the State of New York, at the Panama-Pacific International Exposition at San Francisco, California, celebrating the opening and commercial use of the Panama canal, and making an appropriation therefor,' in relation to the membership of the Commission."

Given under my hand and the Privy Seal of the State at the Capitol in the city of Albany this ninth day of December in the year of our Lord one thousand nine hundred and thirteen.

MARTIN H. GLYNN.

By the Governor:

FRANK A. TIERNEY,
Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 123

NOES 00

Those who voted in the affirmative were:

| | | | | |
|-----------|----------|---------|------------|-------------|
| Adler | Dox | Hopkins | McCue | Silverstein |
| Allen | Edwards | Horton | McDaniels | Small |
| Baumes | Eisner | Hover | McElligott | Smith J A |
| Baxter | Ender | Hughes | McGrath | Smith M |
| Benninger | Esquirol | Ingram | McKee | Smith T K |
| Birnkrant | Evans | Jackson | McKeon | Squire |
| Bovie | Fallo | Jones | McMahon | Su'rin |

| | | | | |
|-----------|-------------|-----------|----------------|------------|
| Bradley | Farrell | Jude | Monahan | Sullivan |
| Brereton | Fitzgerald | Kane | Norton | Sutphin |
| Brewster | Finnigan | Kelly J A | O'Brien | Sweet |
| Bryant | Fuller | Kelly J J | O'Connor | Tallett |
| Burden | Gage | Kelly J D | Oxford | Taylor F J |
| Burr | Gallup | Kelly P J | Pappert | Taylor T D |
| Bush | Garvey | Kenney | Patrie | Telford |
| Butts | Gathright | Kerrigan | Pembleton | Tudor |
| Campbell | Geoghan | Kiernan | Phillips | Ulrich |
| Carroll | Geyer | Knight | Prime | Van Woert |
| Carver | Gibbs | Knott | Pullman | Vert |
| Caughlan | Gillen | Kornobis | Richardson | Volk |
| Cole | Gillett | Lane | Robinson | Walker |
| Cotillo | Goldberg | Larrimer | Rozan | Ward |
| Cronin | Grace | Levy | Schaap | Webb |
| Cuvillier | Greenburg A | Lewis | Schifferdecker | Weil |
| Daley | Grimme | Macdonald | Schnirel | Willard |
| Deitz | Gurnett | Machold | Schwarz | Willmott |
| Dennen | Hamilton | Madden | Seaker | Wood |
| Denney | Hammer | Magee | Seely J L | Yale |
| Donohue | Hearn | Malone | Seelye G T | Yard |
| Dorst | Heyman | Maloney | Shepardson | Yeomans |
| Doty | Hinman | McCollum | | |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. McMahon offered for the consideration of the House a resolution, in the words following:

Resolved, That the committee on the judiciary be discharged from the further consideration of Senate bill (No. 57, Rec. No. 17) entitled "An act relating to grand and trial jurors in the county of Bronx."

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY.

To the Legislature:

It appearing to my satisfaction that the public interest requires it: Therefore, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 53, Printed No. 57) entitled "An act relating to grand and trial jurors in the county of Bronx."

Given under my hand and the Privy Seal of the State at
the Capitol in the city of Albany this 9th day of
[L. s.] December in the year of our Lord one thousand nine
hundred and thirteen.

(Signed) MARTIN H. GLYNN.

By the Governor:

FRANK A. TIERNEY,
Secretary to the Governor.

Said bill was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 123

NOES 00

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|-----------|----------------|-------------|
| Adler | Dox | Hopkins | McCue | Silverstein |
| Allen | Edwards | Horton | McDaniels | Small |
| Baumes | Eisner | Hover | McElligott | Smith J A |
| Baxter | Emden | Hughes | McGrath | Smith M |
| Benninger | Esquirol | Ingram | McKee | Smith T K |
| Birnkrant | Evans | Jackson | McKeon | Squire |
| Bovie | Fallon | Jones | McMahon | Sufrin |
| Bradley | Farrell | Jude | Monahan | Sullivan |
| Brereton | Fitzgerald | Kane | Norton | Sutphin |
| Brewster | Finnigan | Kelly J A | O'Brien | Sweet |
| Bryant | Fuller | Kelly J J | O'Connor | Tallett |
| Burden | Gage | Kelly J D | Oxford | Taylor F J |
| Burr | Gallup | Kelly P J | Pappert | Taylor T D |
| Bush | Garvey | Kenney | Patrie | Telford |
| Butts | Gathright | Kerrigan | Pembleton | Tudor |
| Campbell | Geoghan | Kiernan | Phillips | Ulrich |
| Carroll | Geyer | Knight | Prime | Van Woert |
| Carver | Gibbs | Knott | Pullman | Vert |
| Caughlan | Gillen | Kornobis | Richardson | Volk |
| Cole | Gillett | Lane | Robinson | Walker |
| Cotillo | Goldberg | Larrimer | Rozan | Ward |
| Cronin | Grace | Levy | Schaap | Webb |
| Cuvillier | Greenberg A | Lewis | Schifferdecker | Weil |
| Daley | Grimme | Macdonald | Schnirel | Willard |
| Deitz | Gurnett | Machold | Schwarz | Willmott |
| Dennen | Hamilton | Madden | Seaker | Wood |
| Denney | Hammer | Magee | Seely J L | Yale |
| Donohue | Hearn | Malone | Seelye G T | Yard |
| Dorst | Heyman | Maloney | Shepardson | Yeomans |
| Doty | Hinman | McCollum | | |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. McMahon offered for the consideration of the House a resolution, in the words following:

Resolved, That the committee on the judiciary be discharged from the further consideration of Senate bill (No. 66, Rec. No. 24) entitled "An act to authorize the transfer of certain public records from the office of the register of the county of New York to the office of the register of the county of Bronx, and the making and certification of certain other records and to fix the fees of the register of the county of Bronx."

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

On motion of Mr. McMahon, and by unanimous consent, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY.

To the Legislature:

It appearing to my satisfaction that the public interest requires it: Therefore. In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 62, Printed No. 66) entitled "An act to authorize the transfer of certain public records from the office of the register of the county of New York to the office of the register of the county of Bronx, and the making and certification of certain other records and to fix the fees of the register of the county of Bronx."

Given under my hand and the Privy Seal of the State at
the Capitol in the city of Albany this 12th day of
December in the year of our Lord one thousand nine
hundred and thirteen.

MARTIN H. GLYNN.

By the Governor:

FRANK A. TIERNEY,
Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members

elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 123

NOES 00

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|-----------|----------------|-------------|
| Adler | Dox | Hopkins | McCue | Silverstein |
| Allen | Edwards | Horton | McDaniels | Small |
| Baumes | Eisner | Hover | McElligott | Smith J A |
| Baxter | Emden | Hughes | McGrath | Smith M |
| Benninger | Esquirol | Ingram | McKee | Smith T K |
| Birnkrant | Evans | Jackson | McKeon | Squire |
| Bovie | Fallon | Jones | McMahon | Sufrin |
| Bradley | Farrell | Jude | Monahan | Sullivan |
| Brereton | Fitzgerald | Kane | Norton | Sutphin |
| Brewster | Finnigan | Kelly J A | O'Brien | Sweet |
| Bryant | Fuller | Kelly J J | O'Connor | Tallett |
| Burden | Gage | Kelly J D | Oxford | Taylor F J |
| Burr | Gallup | Kelly P J | Pappert | Taylor T D |
| Bush | Garvey | Kenney | Patrie | Telford |
| Butts | Gathright | Kerrigan | Pemberton | Tudor |
| Campbell | Geoghan | Kiernan | Phillips | Ulrich |
| Carroll | Geyer | Knight | Prime | Van Woert |
| Carver | Gibbs | Knott | Pullman | Vert |
| Caughlan | Gillen | Kornobis | Richardson | Volk |
| Cole | Gillett | Lane | Robinson | Walker |
| Cotillo | Goldberg | Larrimer | Rozan | Ward |
| Cronin | Grace | Levy | Schaap | Webb |
| Cuvillier | Greenberg A | Lewis | Schifferdecker | Weil |
| Daley | Grimme | Macdonald | Schnirel | Willard |
| Deitz | Gurnett | Machold | Schwarz | Willmott |
| Dennen | Hamilton | Madden | Seaker | Wood |
| Denney | Hammer | Magee | Seely J L | Yale |
| Donohue | Hearn | Malone | Seelye G T | Yard |
| Dorst | Heyman | Maloney | Shepardson | Yeomans |
| Doty | Hinman | McCollum | | |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Levy offered for the consideration of the House a resolution, in the words following:

Resolved, That the committee on ways and means be discharged from the further consideration of Senate bill (No. 59, Rec. No. 19) entitled "An act to amend the Public Buildings Law, in relation to the Trustees of Public Buildings."

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

On motion of Mr. Levy, and by unanimous consent, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY.

To the Legislature:

It appearing to my satisfaction that the public interest requires it: Therefore, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 55, Printed No. 59) entitled "An act to amend the Public Buildings Law, in relation to the Trustees of Public Buildings."

Given under my hand and the Privy Seal of the State at the Capitol in the city of Albany this 12th day of December in the year of our Lord one thousand nine hundred and thirteen.

(Signed) MARTIN H. GLYNN.

By the Governor:

FRANK A. TIERNEY,
Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 123

NOES 00

Those who voted in the affirmative were:

| | | | | |
|-----------|------------|-----------|------------|-------------|
| Adler | Dox | Hopkins | McCue | Silverstein |
| Allen | Edwards | Horton | McDaniels | Small |
| Baumes | Eisner | Hover | McElligott | Smith J A |
| Baxter | Emden | Hughes | McGrath | Smith M |
| Benninger | Esquirol | Ingram | McKee | Smith T R |
| Birnkrant | Evans | Jackson | McKeon | Squire |
| Bovie | Fallon | Jones | McMahon | Sufrin |
| Bradley | Farrell | Jude | Monahan | Sullivan |
| Brereton | Fitzgerald | Kane | Norton | Sutphin |
| Brewster | Finnigan | Kelly J A | O'Brien | Sweet |
| Bryant | Fuller | Kelly J J | O'Connor | Tallett |
| Burden | Gage | Kelly J D | Oxford | Taylor F J |
| Burr | Gallup | Kelly P J | Pappert | Taylor T D |
| Bush | Garvey | Kenney | Patrie | Telford |
| Butts | Gathright | Kerrigan | Pembleton | Tudor |
| Campbell | Geoghan | Kiernan | Phillips | Ulrich |

| | | | | |
|-----------|-------------|-----------|----------------|-----------|
| Carroll | Geyer | Knight | Prime | Van Woert |
| Carver | Gibbs | Knott | Pullman | Vert |
| Caughlan | Gillen | Kornobis | Richardson | Volk |
| Cole | Gillett | Lane | Robinson | Walker |
| Cotillo | Goldberg | Larrimer | Rozan | Ward |
| Conin | Grace | Levy | Schaap | Webb |
| Cuvillier | Greenberg A | Lewis | Schifferdecker | Weil |
| Daley | Grimme | Macdonald | Schnirel | Willard |
| Deits | Gurnett | Machold | Schwarz | Wilmott |
| Dennen | Hamilton | Madden | Seaker | Wood |
| Denney | Hammer | Magee | Seely J L | Yale |
| Donohue | Hearn | Malone | Seelye G T | Yard |
| Dorst | Heyman | Maloney | Shepardson | Yeomans |
| Doty | Hinman | McCollum | | |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Levy offered for the consideration of the House a resolution, in the words following:

Resolved, That the committee on the judiciary be discharged from the further consideration of Senate bill (No. 175, Rec. No. 32) entitled "An act to provide for submitting to the people the question, "Shall there be a convention to revise the Constitution and amend the same?" and to provide for such convention, if a majority of the electors shall decide that such convention be held."

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Said bill having been announced for a third reading,

Mr. Hinman moved that said bill be recommitted to the committee on the judiciary, with instructions to report the same forthwith amended as follows:

Amend said bill by striking out everything after enacting clause and inserting the following:

"Section 1. There shall be submitted to a vote of the electors of the State at the general election to be held on the first Tuesday after the first Monday in November, nineteen hundred and fourteen the question, "Shall there be a convention to revise the Constitution and amend the same?" The ballots to be furnished for the use of the voters upon the submission of such question shall be in the form prescribed by the Election Law, and the said question shall be printed thereon in the language above specified. The provisions of the Election Law relating to the submission of questions or propositions to the vote of electors at general elections shall apply to the submission of such question as herein required. If a majority of the electors voting on such question shall decide

in favor of such convention, delegates shall be elected and such convention shall be held as provided in section two of article fourteen of the Constitution.

" § 2. This act shall take effect immediately."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Mr. Schaap moved that said bill be recommitted to the committee on the judiciary, with instructions to report the same forthwith amended as follows:

Strike out page 3, lines 14 to 25, page 4, lines 1 to 15, sections 3 and 4, and inserting in lieu thereof the following:

" § 3. Nomination of delegates; nomination by petition; non-partisan basis. Candidates for delegates to the convention shall be nominated by nominating petitions only, and neither the name nor the emblem of any political party, nor of any corporation or organization; shall appear upon any such nominating petition or any official ballot used in the election of delegates. In any Senate district, any male or female citizen of the State of more than twenty-one years of age may be nominated as a candidate for district delegate to the convention from such Senate district, upon a petition in writing addressed to and filed with the county board of elections for each county comprised within such Senate district, or, in the case of counties having no board of elections but comprised within a city having a board of elections for such city, addressed to and filed with the board of elections for such city, signed by not less than five hundred duly qualified electors residing in such Senate district. Any male or female citizen of the State of more than twenty-one years of age may be nominated as a candidate for delegate-at-large, upon a petition in writing addressed to the Secretary of State and signed by not less than one thousand duly qualified electors of the State, of whom not more than three hundred shall be residents of any one city or county of the State. No nominating petition for district delegate shall name more than three candidates for district delegates, and no nominating petition for delegates-at-large shall name more than fifteen candidates for delegates-at-large. No petition shall be accepted for filing or have any force or effect which purports to nominate candidates both for delegate-at-large and for district delegate.

" § 4. Vacancies in nominations; designation of committee. Signers of nominating petitions shall insert in them the names and addresses of such persons as they desire, to the number of five, as a committee who may fill any vacancies caused by death or withdrawals.

" § 5. Form and contents of petitions; verification; pledge of signers. Besides containing the name of each candidate or candidates nominated thereby, each nominating petition shall specify as to each candidate:

" 1. That he is a candidate for the office of delegate-at-large or of district delegate from the Senate district in which the signatures are obtained.

" 2. His place of residence, with the street and number thereof, if any.

" 3. A declaration, signed by the candidate, that he will qualify and serve, if elected.

" Each nominating petition shall contain a provision to the effect that each signer thereto thereby pledges himself to support and vote for the candidate or candidates to be nominated thereby. Each elector signing a petition shall add to his signature his place of residence, in his own handwriting (unless he cannot write and his signature is made by mark), which shall include the street and number, if any, of such residence and the date of his signature. No elector may sign his name to petitions or a petition to nominate more than fifteen candidates for delegate-at-large or more than three candidates for district delegate; and where an elector has signed his name to a petition or petitions to nominate more than the number of candidates just specified, his name shall not be counted on any petition or petitions. All of the provisions of law, applicable generally to nominations by petition for state officers and for state senators, shall, except when inconsistent with this act, apply to the nomination of delegates-at-large and district delegates respectively.

" § 6. Form of official ballot; arrangement of names of candidates. The names of persons so nominated as candidates for district delegates and for delegates-at-large, together with any statement and the descriptive words therefor which may be contained in any petition as provided in the preceding section, shall be certified by the said boards of elections and by the Secretary of State respectively, to the officers charged by law with the duty of causing the ballots for such election to be printed, in the same manner as the names of persons nominated for other offices to be filled at such general election. The names of candidates for delegates to the convention, nominated as herein provided, shall be placed on one independent and separate ballot which shall be prepared and printed as follows: The whole number of ballots to be printed for any county within such Senate district, or for any Senate district, where the county contains more than one Senate district, shall be divided by the number which represents the greatest number of candidates either for delegates-at-large or for

district delegate to be voted for by the electors of such district, and the quotient so obtained shall be the number of ballots in each series of ballots to be printed. The names of the duly nominated candidates for delegate-at-large and for district delegates shall, in the respective portions of the ballot each be arranged in alphabetical order among themselves, and the first series of ballots printed. Then the first name in each list shall be placed last and the next series printed, and the process shall be repeated in the same manner until each name shall have been first in its respective list. These ballots shall then be arranged, in tablets or otherwise, so that there are no two ballots of the same series or order of names together.

“ § 7. Voting for delegates; minority representation. In the election of delegates-at-large to the said convention, no elector shall vote for more than seven candidates for delegates-at-large, and in the election of district delegates, no elector shall vote for more than two candidates for district delegates. The ballot shall be arranged and shall contain instructions accordingly. Any ballot which undertakes or purports to vote for more than seven candidates for delegates-at-large shall be deemed to be void and of no effect, in so far as the election of delegates-at-large is concerned. Any ballot which undertakes or purports to vote for more than two candidates for district delegates shall be deemed to be void and of no effect, in so far as the election of district delegates is concerned.

“ § 8. General election laws applicable. All laws, not inconsistent with this act, regulating the election of public officers at general elections shall be applicable to the election of the delegates to such convention.”

Page 4, line 16, strike out “ § 5 ” and insert “ § 9 ”.

Page 4, line 22, strike out “ § 6 ” and insert “ § 10 ”.

Page 5, line 15, strike out “ § 7 ” and insert “ § 11 ”.

Page 7, line 7, strike out “ § 8 ” and insert “ § 12 ”.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK —EXECUTIVE CHAMBER.
ALBANY.

To the Legislature: .

It appearing to my satisfaction that the public interest requires it: Therefore, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of

the immediate passage of Senate bill (Int. No. 46, Printed No. 50), entitled "An act to provide for submitting to the people the question, "Shall there be a convention to revise the Constitution and amend the same?" and to provide for such convention, if a majority of the electors shall decide that such convention be held," as amended.

Given under my hand and the Privy Seal of the State at the Capitol in the city of Albany this eleventh day of December in the year of our Lord one thousand nine hundred and thirteen.

(Signed) MARTIN H. GLYNN.

By the Governor:

FRANK A. TIERNEY,

Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 85

NOES 21

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|-----------|------------|----------------|
| Benninger | Donohue | Hearn | Levy | Schifferdecker |
| Bovie | Dorst | Heyman | Lewis | Schwarz |
| Brewster | Doty | Hover | Madden | Seely J L |
| Burden | Dox | Hughes | Maloney | Silverstein |
| Burr | Eisner | Ingram | McCue | Small |
| Push | Emden | Jackson | McDaniels | Squire |
| Butts | Farrell | Kelly J A | McElligott | Sufrin |
| Campbell | Fitzgerald | Kelly J J | McGrath | Taylor F J |
| Carroll | Gallup | Kelly J D | McKee | Taylor T D |
| Caughlan | Garvey | Kelly P J | McKeon | Telford |
| Cole | Geoghan | Kenney | McMahon | Tudor |
| Cotillo | Geyer | Kerrigan | Monahan | Ulrich |
| Cronin | Gibbs | Kiernan | O'Connor | Van Woert |
| Cuvillier | Goldberg | Knott | Pullman | Weil |
| Daley | Greenberg A | Kornobis | Robinson | Willard |
| Deitz | Grimme | Lane | Rozan | Willmott |
| Dennen | Gurnett | Larrimer | Schaap | Yard |

Those who voted in the negative were:

| | | | | |
|---------|---------|------------|-----------|------|
| Adler | Hinman | Machold | Smith J A | Vert |
| Baumes | Hopkins | Malone | Smith M | Volk |
| Baxter | Horton | Pembleton | Sweet | Webb |
| Edwards | Knight | Seelye G T | Tallett | Wood |
| Gage | | | | |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Levy offered for the consideration of the House a resolution, in the words following:

Resolved, That the committee on the judiciary be discharged from the further consideration of Senate bill (No. 49, Rec. No. 31) entitled "An act to amend the Election Law, in relation to the direct election of United States Senator."

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK —EXECUTIVE CHAMBER,
ALBANY.

To the Legislature:

It appearing to my satisfaction that the public interest requires it: Therefore, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 45, Printed No. 49) entitled "An act to amend the Election Law, in relation to the direct election of United States Senators," as amended.

Given under my hand and the Privy Seal of the State at
the Capitol in the city of Albany this eleventh day of
December in the year of our Lord one thousand nine
hundred and thirteen.

(Signed) MARTIN H. GILYNN.

By the Governor:

FRANK A. TIERNEY,
Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 122

NOES 1

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|-----------|----------------|-------------|
| Adler | Eisner | Hughes | McCue | Silverstein |
| Baumes | Emden | Ingram | McDaniels | Small |
| Baxter | Esquirol | Jackson | McElligott | Smith J A |
| Benninger | Evans | Jude | McGrath | Smith M |
| Bovie | Fallon | Kelly J A | McKee | Smith T K |
| Brereton | Farrell | Kelly J J | McKeon | Squire |
| Brewster | Fitzgerald | Kelly J D | McMahon | Sufrin |
| Burden | Gage | Kelly P J | Monahan | Sweet |
| Burr | Gallup | Kenney | Norton | Tallett |
| Bush | Garvey | Kerrigan | O'Connor | Taylor T D |
| Butts | Geoghan | Kiernan | Oxford | Telford |
| Carroll | Geyer | Knight | Patrie | Tudor |
| Caughlan | Gibbs | Knott | Pembleton | Ulrich |
| Cole | Gillen | Kornobis | Phillips | Van Woert |
| Cotillo | Goldberg | Lane | Pullman | Vert |
| Cronin | Greenberg A | Larrimer | Robinson | Volk |
| Cuvillier | Grimme | Levy | Rosan | Walker |
| Daley | Gurnett | Lewis | Schaap | Ward |
| Deits | Hamilton | Macdonald | Schifferdecker | Webb |
| Dennen | Hammer | Machold | Schnirel | Weil |
| Donohue | Hearn | Madden | Schwarz | Willard |
| Dorst | Heyman | Malone | Seaker | Willmott |
| Doty | Hopkins | Maloney | Seely J L | Wood |
| Dox | Horton | McCollum | Seelye G T | Yard |
| Edwards | Hover | | | |

In the negative:

Hinman

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Levy offered for the consideration of the House a resolution, in the words following:

Resolved, That the committee on the judiciary be discharged from the further consideration of Senate bill (No. 78, Rec. No. 34) entitled "An act to amend the Election Law, generally."

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

On motion of Mr. Levy, and by unanimous consent, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK —EXECUTIVE CHAMBER,
ALBANY.

To the Legislature:

It appearing to my satisfaction that the public interest requires it: Therefore, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 51, Printed No. 55) entitled "An act to amend the Election Law, generally," as amended.

Given under my hand and the Privy Seal of the State at
the Capitol in the city of Albany this eleventh day of
December in the year of our Lord one thousand nine
hundred and thirteen.

(Signed) MARTIN H. GLYNN.

By the Governor:

FRANK A. TIERNEY,

Secretary to the Governor.

Debate was had.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 118

NOES 5

Those who voted in the affirmative were:

| | | | | |
|-----------|------------|-----------|------------|-------------|
| Adler | Edwards | Horton | McCollum | Seelye G T |
| Baumes | Eisner | Hover | McCue | Silverstein |
| Baxter | Emden | Hughes | McDaniels | Small |
| Benninger | Esquirol | Ingram | McElligott | Smith T K |
| Bovie | Evans | Jackson | McGrath | Squire |
| Brereton | Fallon | Jones | McKee | Sufrin |
| Brewster | Farrell | Kelly J A | McKeon | Sweet |
| Burden | Fitzgerald | Kelly J J | McMahon | Tallett |
| Burr | Gage | Kelly J D | Monahan | Taylor T D |
| Bush | Gallup | Kelly P J | Norton | Telford |
| Butts | Garvey | Kenney | O'Connor | Tudor |
| Carroll | Geoghan | Kerrigan | Oxford | Ulrich |
| Caughlan | Gever | Kiernan | Patrie | Van Woert |
| Cole | Gibbs | Knight | Pembleton | Vert |
| Cotillo | Gillen | Knott | Phillips | Volk |

| | | | | |
|-----------|-------------|-----------|----------------|----------|
| Cronin | Goldberg | Kornobis | Pullman | Walker |
| Cuvillier | Greenberg A | Lane | Robinson | Ward |
| Daley | Gurnett | Larrimer | Schaap | Webb |
| Deitz | Hamilton | Levy | Schifferdecker | Weil |
| Dennen | Hammer | Lewis | Schnirel | Willard |
| Donohue | Hearn | Macdonald | Schwarz | Willmott |
| Dorst | Heyman | Madden | Seaker | Wood |
| Doty | Hinman | Malone | Seely J L | Yard |
| Dox | Hopkins | Maloney | | |

Those who voted in the negative were:

| | | | | |
|--------|---------|-------|-----------|---------|
| Grimme | Machold | Rozan | Smith J A | Smith M |
|--------|---------|-------|-----------|---------|

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate sent for concurrence the following entitled bills:

"An act making an appropriation for the payment of counsel of the respondent in the matter of the trial of the articles of impeachment against William Sulzer" (No. 83, Rec. No. 37), which was read the first time.

On motion of Mr. Levy, and by unanimous consent, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK —EXECUTIVE CHAMBER,
ALBANY.

To the Legislature:

It appearing to my satisfaction that the public interest requires it: Therefore, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 73, Printed No. 82) entitled "An act making an appropriation for the payment of counsel of the respondent in the matter of the trial of the articles of impeachment against William Sulzer," as amended.

Given under my hand and the Privy Seal of the State at the Capitol in the city of Albany this twelfth day of December in the year of our Lord one thousand nine hundred and thirteen.

(Signed) · MARTIN H. GLYNN.

By the Governor:

FRANK A. TIERNEY,
Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 99

NOES 8

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|-----------|----------------|------------|
| Benninger | Esquirol | Hover | McCue | Smith T K |
| Bovie | Evans | Hughes | McDaniels | Squire |
| Brewster | Fallon | Ingram | McElligott | Sufrin |
| Burden | Farrell | Jackson | McGrath | Sweet |
| Burr | Fitzgerald | Kelly J A | McKee | Tallett |
| Bush | Gallup | Kelly J J | McKeon | Taylor F J |
| Butts | Garvey | Kelly J D | O'Connor | Taylor T L |
| Carroll | Geoghan | Kelly P J | Oxford | Telford |
| Caughlan | Geyer | Kenney | Pembleton | Tudor |
| Cotillo | Gibbs | Kerrigan | Pullman | Ulrich |
| Cronin | Gillen | Kiernan | Robinson | Vert |
| Daley | Goldberg | Knight | Rozan | Volk |
| Deitz | Greenberg A | Knott | Schaap | Walker |
| Donohue | Grimme | Kornobis | Schifferdecker | Ward |
| Dorst | Gurnett | Lane | Schnirel | Weil |
| Doty | Hamilton | Levy | Schwarz | Willard |
| Dox | Hammer | Lewis | Seely J L | Willmott |
| Edwards | Hearn | Madden | Silverstein | Wood |
| Eisner | Heyman | Maloney | Small | Yard |
| Emden | Hopkins | McCollum | Smith J A | |

Those who voted in the negative were:

| | | | | |
|-----------|--------|---------|-------|------|
| Campbell | Dennen | Machold | Prime | Webb |
| Cuvillier | Hinman | Monahan | | |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate sent for concurrence the following entitled bill:

"An act making an appropriation for the compensation of counsel and other expenses of the Board of Managers of the Assembly in the matter of the trial of the articles of impeachment against William Sulzer" (No. 82. Rec. No. 38), which was read the first time.

Said bill having been announced for a second reading,

Mr. Schnirel moved to amend as follows:

Page 1, line 20, strike out the words "forty-two thousand five hundred" and insert "fifty thousand". Strike out the figures "\$42,500" and insert "\$50,000."

Page 2, line 7, strike out the word "twenty-four" and insert "twenty-seven".

Line 8, strike out the figures "\$2,400" and insert "\$2,700."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

On motion of Mr. Levy, and by unanimous consent, said bill as amended was then read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER,
ALBANY.

To the Legislature:

It appearing to my satisfaction that the public interest requires it: Therefore, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 73, Printed No. 82) entitled "An act making an appropriation for the compensation of counsel and other expenses of the Board of Managers of the Assembly in the matter of the trial of the articles of impeachment against William Sulzer," as amended.

Given under my hand and the Privy Seal of the State at
the Capitol in the city of Albany this twelfth day of
December in the year of our Lord one thousand nine
hundred and thirteen.

(Signed) MARTIN H. GLYNN.

By the Governor:

FRANK A. TIERNEY,
Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 120

NOES 3

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|-----------|----------------|-------------|
| Baumes | Eisner | Hover | McCollum | Sealye G T |
| Baxter | Emden | Hughes | McCue | Silverstein |
| Benninger | Esquirol | Ingram | McDaniels | Small |
| Bov'e | Evans | Jackson | McElligott | Smith J A |
| Brereton | Fallon | Jones | McGrath | Smith M |
| Brewster | Farrell | Kelly J A | McKee | Smith T K |
| Burden | Fitzgerald | Kelly J J | McKeon | Sufrin |
| Burr | Gage | Kelly J D | McMahon | Sweet |
| Bush | Gallup | Kelly P J | Monahan | Tallett |
| Butts | Garvey | Kenney | Norton | Taylor T D |
| Carroll | Geoghan | Kerrigan | O'Connor | Telford |
| Caughlan | Geyer | Kiernan | Oxford | Tudor |
| Cole | Gibbs | Knight | Patrie | Ulrich |
| Cotillo | Gillen | Knott | Pemberton | Van Woert |
| Cronin | Goldberg | Kornobis | Phillips | Vert . |
| Cuvillier | Greenberg A | Lane | Pullman | Volk |
| Daley | Grimme | Larrimer | Robinson | Walker |
| Deits | Gurnett | Levy | Rosan | Ward |
| Dennen | Hamilton | Lewis | Schaap | Webb |
| Donohue | Hammer | Macdonald | Schifferdecker | Weil |
| Dorst | Hearn | Machold | Schnirel | Willard |
| Doty | Heyman | Madden | Schwarz | Willmott |
| Dox | Hopkins | Malone | Seaker | Wood |
| Edwards | Horton | Maloney | Seely J L | Yard |

Those who voted in the negative were:

| | | |
|-------|--------|--------|
| Adler | Hinman | Squire |
|-------|--------|--------|

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same, with amendments.

The Senate sent for concurrence the following entitled bill:

"An act to amend chapter seven hundred and thirty of the Laws of nineteen hundred and thirteen, entitled 'An act to provide for the celebration of the centenary of the battle of Plattsburgh, the appointment of a commission, prescribing its powers and duties and making an appropriation therefor,' generally" (No. 81, Rec. No. 39), which was read the first time.

On motion of Mr. Levy, and by unanimous consent, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY

To the Legislature:

It appearing to my satisfaction that the public interest requires it: Therefore, In accordance with the provision of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 72, Printed No. 81) entitled "An act to amend chapter seven hundred and thirty of the Laws of nineteen hundred and thirteen, entitled 'An act to provide for the celebration of the centenary of the battle of Plattsburgh, the appointment of a commission, prescribing its powers and duties and making an appropriation therefor,' generally," as amended.

Given under my hand and the Privy Seal of the State at
the Capitol in the city of Albany this eleventh day of
December in the year of our Lord one thousand nine
hundred and thirteen.

MARTIN H. GLYNN.

By the Governor:

FRANK A. TIERNEY,
Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 123

NOES 00

Those who voted in the affirmative were:

| | | | | |
|-----------|------------|-----------|------------|-------------|
| Adler | Eisner | Hover | McCue | Silverstein |
| Baumes | Emden | Hughes | McDaniels | Small |
| Baxter | Esquirol | Ingram | McElligott | Smith J A |
| Benninger | Evans | Jackson | McGrath | Smith M |
| Bovie | Fallon | Jones | McKee | Smith T K |
| Brereton | Farrell | Kelly J A | McKeon | Squire |
| Brewster | Fitzgerald | Kelly J J | McMahon | Sufrin |
| Burden | Gage | Kelly J D | Monahan | Sweet |
| Burr | Gallup | Kelly P J | Norton | Tallett |
| Bush | Garvey | Kenney | O'Connor | Taylor T D |
| Butts | Geoghan | Kerrigan | Oxford | Telford |
| Carroll | Geyer | Kiernan | Patrie | Tudor |
| Caughlan | Gibbs | Knight | Pemberton | Ulrich |
| Cole | Gillen | Knott | Phillips | Van Woert |

| | | | | |
|-----------|-------------|-----------|----------------|----------|
| Cotillo | Goldberg | Kornobis | Pullman | Vert |
| Cronin | Greenberg A | Lane | Robinson | Volk |
| Cuvillier | Grimme | Larrimer | Rosan | Walker |
| Daley | Gurnett | Levy | Schaap | Ward |
| Deits | Hamilton | Lewis | Schifferdecker | Webb |
| Dennen | Hammer | Macdonald | Schnirel | Weil |
| Donohue | Hearn | Machold | Schwarz | Willard |
| Dorst | Heyman | Madden | Seaker | Willmott |
| Doty | Hinman | Malone | Seely J L | Wood |
| Dox | Hopkins | Maloney | Seelye G T | Yard |
| Edwards | Horton | McCollum | | |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate sent for concurrence the following entitled bill:

"An act in relation to assuring compensation for injuries or death of certain employees in the course of their employment and repealing certain sections of the Labor Law relating thereto, constituting chapter sixty-seven of the Consolidated Laws" (No. 79, Rec. No. 40), which was read the first time.

On motion of Mr. Walker, and by unanimous consent, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY.

To the Legislature:

It appearing to my satisfaction that the public interest requires it: Therefore, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 48, Printed No. 52) entitled "An act in relation to assuring compensation for injuries or death of certain employees in the course of their employment and repealing certain sections of the Labor Law relating thereto, constituting chapter sixty-seven of the Consolidated Laws," as amended.

Given under my hand and the Privy Seal of the State at the Capitol in the city of Albany this eleventh day of December in the year of our Lord one thousand nine hundred and thirteen.

MARTIN H. GLYNN.

By the Governor:

FRANK A. TIERNEY,
Secretary to the Governor.

Debate was had.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 123

NOES 00

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|-----------|----------------|-------------|
| Adler | Eisner | Hover | McCue | Silverstein |
| Baumes | Emden | Hughes | McDaniels | Small |
| Baxter | Esquirol | Ingram | McElligott | Smith J A |
| Benninger | Evans | Jackson | McGrath | Smith M |
| Bovie | Fallon | Jones | McKee | Smith T K |
| Brereton | Farrell | Kelly J A | McKeon | Squire |
| Brewster | Fitzgerald | Kelly J J | McMahon | Sufrin |
| Burden | Gage | Kelly J D | Monahan | Sweet |
| Burr | Gallup | Kelly P J | Norton | Tallett |
| Bush | Garvey | Kenney | O'Connor | Taylor T D |
| Butts | Geoghan | Kerrigan | Oxford | Telford |
| Carroll | Geyer | Kiernan | Patrie | Tudor |
| Caughlan | Gibbs | Knight | Pembleton | Ulrich |
| Cole | Gillen | Knott | Phillips | Van Woert |
| Cotillo | Goldberg | Kornobis | Pullman | Vert |
| Cronin | Greenberg A | Lane | Robinson | Volk |
| Cuvillier | Grimme | Larrimer | Rozan | Walker |
| Daley | Gurnett | Levy | Schaap | Ward |
| Deits | Hamilton | Lewis | Schifferdecker | Webb |
| Dennen | Hammer | Macdonald | Schnirel | Weil |
| Donohue | Hearn | Macbold | Schwarz | Willard |
| Dorst | Heyman | Madden | Seaker | Willmott |
| Doty | Hinman | Malone | Seely J L | Wood |
| Dox | Hopkins | Maloney | Seelye G T | Yard |
| Edwards | Horton | McCollum | | |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate sent for concurrence the following entitled bill:

"An act making an appropriation for carrying out the objects and purposes of the Workmen's Compensation Law" (No. 69, Rec. No. 41), which was read the first time.

On motion of Mr. Levy, and by unanimous consent, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY.

To the Legislature:

It appearing to my satisfaction that the public interest requires it: Therefore, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 65, Printed No. 69) entitled "An act making an appropriation for carrying out the objects and purposes of the Workmen's Compensation Law," as amended.

Given under my hand and the Privy Seal of the State at
the Capitol in the city of Albany this eleventh day of
[L. S.] December in the year of our Lord one thousand nine
hundred and thirteen.

MARTIN H. GLYNN.

By the Governor:

FRANK A. TIERNEY,
Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 123

NOES 00

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|-----------|------------|-------------|
| Adler | Eisner | Hover | McCue | Silverstein |
| Baumes | Emden | Hughes | McDaniels | Small |
| Baxter | Esquirol | Ingram | McElligott | Smith J A |
| Benninger | Evans | Jackson | McGrath | Smith M |
| Bovie | Fallon | Jones | McKee | Smith T K |
| Brereton | Farrell | Kelly J A | McKeon | Squire |
| Brewster | Fitzgerald | Kelly J J | McMahon | Sufria |
| Burden | Gage | Kelly J D | Monahan | Sweet |
| Burr | Gallup | Kelly P J | Norton | Tallett |
| Bush | Garvey | Kenney | O'Connor | Taylor T D |
| Butts | Geoghan | Kerrigan | Oxford | Telford |
| Carroll | Geyer | Kiernan | Patrie | Tudor |
| Caughlan | Gibbs | Knight | Pembleton | Ulrich |
| Cole | Gillen | Knott | Phillips | Van Woert |
| Cotillo | Goldberg | Kornobis | Pullman | Vert |
| Cronin | Greenberg A | Lane | Robinson | Volk |

| | | | | |
|-----------|----------|-----------|----------------|----------|
| Cuvillier | Grimme | Larrimer | Rozan | Walker |
| Daley | Gurnett | Levy | Schaap | Ward |
| Deitz | Hamilton | Lewis | Schifferdecker | Webb |
| Dennen | Hammer | Macdonald | Schnirel | Weil |
| Donohue | Hearn | Machold | Schwarz | Willard |
| Dorst | Heyman | Madden | Seaker | Willmott |
| Doty | Hinman | Malone | Seely J L | Wood |
| Dox | Hopkins | Maloney | Seelye G T | Yard |
| Edwards | Horton | McCollum | | |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate sent for concurrence the following entitled bill:

"An act to amend the Insurance Law, in relation to the approval of premium rates of corporations and associations transacting the business of workmen's compensation insurance" (No. 54, Rec. No. 42), which was read the first time.

On motion of Mr. Walker, and by unanimous consent, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY.

To the Legislature:

It appearing to my satisfaction that the public interest requires it: Therefore, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 50, Printed No. 54) entitled "An act to amend the Insurance Law, in relation to the approval of premium rates of corporations and associations transacting the business of workmen's compensation insurance," as amended.

Given under my hand and the Privy Seal of the State at
the Capitol in the city of Albany this twelfth day of
December in the year of our Lord one thousand nine
hundred and thirteen.

MARTIN H. GLYNN.

By the Governor:

FRANK A. TIERNEY,
Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 123

NOES 00

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|-----------|----------------|-------------|
| Adler | Eisner | Hover | McCue | Silverstein |
| Baumes | Emden | Hughes | McDaniels | Small |
| Baxter | Esquirol | Ingram | McElligott | Smith J A |
| Benninger | Evans | Jackson | McGrath | Smith M |
| Bovie | Fallon | Jones | McKee | Smith T K |
| Brereton | Farrell | Kelly J A | McKeon | Squire |
| Brewster | Fitzgerald | Kelly J J | McMahon | Sufrin |
| Burden | Gage | Kelly J D | Monahan | Sweet |
| Burr | Gallup | Kelly P J | Norton | Tallett |
| Bush | Garvey | Kenney | O'Connor | Taylor T D |
| Butts | Geoghan | Kerrigan | Oxford | Telford |
| Carroll | Geyer | Kiernan | Patrie | Tudor |
| Caughlan | Gibbs | Knight | Pembleton | Ulrich |
| Cole | Gillen | Knott | Phillips | Van Woert |
| Cotillo | Goldberg | Kornobis | Pullman | Vert |
| Cronin | Greenberg A | Lane | Robinson | Volk |
| Cuvillier | Grimme | Larrimer | Rozan | Walker |
| Daley | Gurnett | Levy | Schaap | Ward |
| Deitz | Hamilton | Lewis | Schifferdecker | Webb |
| Dennen | Hammer | Macdonald | Schnirel | Weil |
| Donohue | Hearn | Machold | Schwarz | Willard |
| Dorst | Heyman | Madden | Seaker | Willmott |
| Doty | Hinman | Malone | Seely J L | Wood |
| Dox | Hopkins | Maloney | Seelye G T | Yard |
| Edwards | Horton | McCollum | | |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate sent for concurrence the following entitled bill.

"An act to amend the Insurance Law, in relation to the creation of mutual companies to insure employers against loss, damage or compensation resulting from injuries suffered by employees or other persons for which the person insured is liable" (No. 80, Rec. No. 43), which was read the first time.

Said bill having been announced for a second reading,

Mr. Levy moved to amend as follows:

Strike out the words " July eleventh, nineteen hundred and fifteen " in second line of section 194 on last page, and insert in place thereof the words " January eleventh, nineteen hundred and seventeen."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

On motion of Mr. Walker, and by unanimous consent, said bill as amended was then read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY.

To the Legislature:

It appearing to my satisfaction that the public interest requires it: Therefore, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 49, Printed No. 53) entitled "An act to amend the Insurance Law, in relation to the creation of mutual companies to insure employers against loss, damage or compensation resulting from injuries suffered by employees or other persons for which the person insured is liable," as amended.

Given under my hand and the Privy Seal of the State at
the Capitol in the city of Albany this eleventh day of
December in the year of our Lord one thousand nine
hundred and thirteen.

MARTIN H. GLYNN.

By the Governor:

FRANK A. TIERNEY.

Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 123

NOES 00

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|-----------|----------------|-------------|
| Adler | Eisner | Hover | McCue | Silverstein |
| Baumes | Emden | Hughes | McDaniels | Small |
| Baxter | Esquirol | Ingram | McElligott | Smith J A |
| Benninger | Evans | Jackson | McGrath | Smith M |
| Bowie | Fallon | Jones | McKee | Smith T K |
| Brereton | Farrell | Kelly J A | McKeon | Squire |
| Brewster | Fitzgerald | Kelly J J | McMahon | Sufrin |
| Burden | Gage | Kelly J D | Monahan | Sweet |
| Burr | Gallup | Kelly P J | Norton | Tallett |
| Bush | Garvey | Kenney | O'Connor | Taylor T D |
| Butts | Geoghan | Kerrigan | Oxford | Telford |
| Carroll | Geyer | Kiernan | Patrie | Tudor |
| Caughlan | Gibbs | Knight | Pembleton | Ulrich |
| Cole | Gillen | Knott | Phillips | Van Woert |
| Cotillo | Goldberg | Kornobis | Pullman | Vert |
| Cronin | Greenberg A | Lane | Robinson | Volk |
| Cuvillier | Grimme | Larrimer | Rozan | Walker |
| Daley | Gurnett | Levy | Schaap | Ward |
| Deits | Hamilton | Lewis | Schifferdecker | Webb |
| Dennen | Hammer | Macdonald | Schnirel | Weil |
| Donohue | Hearn | Machold | Schwarz | Willard |
| Dorst | Heyman | Madden | Seaker | Willmott |
| Doty | Hinman | Malone | Seely J L | Wood |
| Dox | Hopkins | Maloney | Seelye G T | Yard |
| Edwards | Horton | McCollum | | |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same, with amendments.

Mr. Levy offered for the consideration of the House a resolution, in the words following:

Resolved, That the expenses incurred by the judiciary committee of the Assembly in the matter of the investigation of the charges made by James C. Garrison and the expenses incurred by the Sergeant-at-Arms of the Assembly in connection with the orders of arrest issued by the Assembly in the cases of Frederick Colwell, Louis A. Sarecky and James C. Garrison be paid by the State Treasurer upon the warrant of the Comptroller from the moneys appropriated for the contingent expenses of the Legislature upon the certificate of the Speaker of the Assembly.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 122

NOES 1

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|-----------|----------------|-------------|
| Adler | Eisner | Hover | McCollum | Seelye G T |
| Baumes | Emden | Hughes | McCue | Silverstein |
| Baxter | Esquirol | Ingram | McDaniels | Small |
| Benninger | Evans | Jackson | McElligott | Smith J A |
| Bovie | Fallon | Jones | McGrath | Smith M |
| Brereton | Farrell | Kelly J A | McKee | Smith T K |
| Brewster | Fitzgerald | Kelly J J | McKeon | Sufria |
| Burden | Gage | Kelly J D | McMahon | Sweet |
| Burr | Gallup | Kelly P J | Monahan | Tallett |
| Bush | Garvey | Kenney | Norton | Taylor T D |
| Butts | Geoghan | Kerrigan | O'Connor | Telford |
| Carroll | Geer | Kiernan | Oxford | Tudor |
| Caughlan | Gibbs | Knight | Patrie | Ulrich |
| Cole | Gillen | Knott | Pembleton | Van Woert |
| Cotillo | Goldberg | Kornobis | Phillips | Vert |
| Cranin | Greenberg A | Lane | Pullman | Volk |
| Cuvillier | Grimme | Larrimer | Robinson | Walker |
| Daley | Gurnett | Levy | Rozan | Ward |
| Deitz | Hamilton | Lewis | Schaap | Webb |
| Dennen | Hammer | Macdonald | Schifferdecker | Wil |
| Donohue | Hearn | Macbold | Schnirel | Willard |
| Dorst | Heyman | Madden | Schwarz | Willmott |
| Doty | Hinman | Malone | Seaker | Wood |
| Dox | Hopkins | Maloney | Seely J L | Yard |
| Edwards | Horton | | | |

In the negative:

Squire

Mr. Levy offered for the consideration of the House a resolution, in the words following:

Resolved, That the expenses incurred by the Assembly committee appointed to attend the funerals of Hon. William J. Gaynor, Hon. James H. Finnegan, member of Assembly from the thirteenth district of the county of Kings, and Hon. Thomas F. Denney, member of Assembly from the nineteenth district of the county of New York, be paid by the State Treasurer upon the warrant of the Comptroller from the moneys appropriated for the contingent expenses of the Legislature upon the certificate of the Speaker of the Assembly.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 123

NOES 00

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|-----------|----------------|-------------|
| Adler | Eisner | Hover | McCue | Silverstein |
| Baumes | Emden | Hughes | McDaniels | Small |
| Baxter | Esquirol | Ingram | McElligott | Smith J A |
| Benninger | Evans | Jackson | McGrath | Smith M |
| Bovie | Fallon | Jones | McKee | Smith T K |
| Brereton | Farrell | Kelly J A | McKeon | Squire |
| Brewster | Fitzgerald | Kelly J J | McMahon | Sufrin |
| Burden | Gage | Kelly J D | Monahan | Sweet |
| Burr | Gallup | Kelly P J | Norton | Tallett |
| Bush | Garvey | Kenney | O'Connor | Taylor T D |
| Butts | Geoghan | Kerrigan | Oxford | Telford |
| Carroll | Geyer | Kiernan | Patrie | Tudor |
| Caughlan | Gibbs | Knight | Pembleton | Ulrich |
| Cole | Gillen | Knott | Phillips | Van Woert |
| Cotillo | Goldberg | Kornobis | Pullman | Vert |
| Cronin | Greenberg A | Lane | Robinson | Volk |
| Cuvillier | Grimme | Larrimer | Rosan | Walker |
| Daley | Gurnett | Levy | Schaap | Ward |
| Deits | Hamilton | Lewis | Schifferdecker | Webb |
| Dennen | Hammer | Macdonald | Schnirel | Weil |
| Donohue | Hearn | Macbold | Schwarz | Willard |
| Dorst | Heyman | Madden | Seaker | Willmott |
| Doty | Hinman | Malone | Seely J L | Wood |
| Dox | Hopkins | Maloney | Seelye G T | Yard |
| Edwards | Horton | McCollum | | |

Mr. Schwarz offered for the consideration of the House a resolution, in the words following:

Whereas, This House learns with regret of the death of Hon. James M. Riley, a member of Assembly in the years 1890 and 1891.

Resolved, That a copy of this resolution, suitably engrossed, expressing our sympathy, be transmitted to members of the family of the deceased.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *December 12, 1914.*

Resolved (if the Assembly concur), That the joint committee of the Senate and Assembly appointed pursuant to joint resolution of the Senate and Assembly adopted on the second day of May, nineteen hundred and thirteen, to examine into the methods of financial administration and conduct of certain institutions,

societies or associations of the State, the powers of which committee were enlarged by joint resolution of the Senate and Assembly adopted on or about the twenty-fifth day of June, nineteen hundred and thirteen, is hereby continued with all the powers and duties conferred or imposed by both of such resolutions.

Resolved, That the President of the Senate be authorized to fill any vacancy occurring in the membership of such committee among the members appointed from the Senate, and that the Speaker of the Assembly be authorized to fill any vacancy occurring in such committee among the members appointed from the Assembly.

Resolved (if the Assembly concur), That the actual and necessary expenses of the committee in carrying out the provisions of this resolution shall be paid from the funds appropriated for the contingent expenses of the Legislature, by the Treasurer, on the warrant of the Comptroller on the certificate of the chairman of the committee.

By order of the Senate,

PATRICK E. McCABE,

Clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 123

NOES 00

Those who voted in the affirmative were:

| | | | | |
|-----------|------------|-----------|------------|-------------|
| Adler | Dox | Hopkins | McCue | Silverstein |
| Allen | Edwards | Horton | McDaniels | Small |
| Baumes | Fisner | Hover | McElligott | Smith J A |
| Baxter | Emden | Hughes | McGrath | Smith M |
| Benninger | Esquirol | Ingram | McKee | Smith T K |
| Birnkrant | Evans | Jackson | McKeon | Squire |
| Bovie | Fallon | Jones | McMahon | Sufran |
| Bradley | Farrell | Jude | Monahan | Sullivan |
| Brereton | Fitzgerald | Kane | Norton | Sutphin |
| Brewster | Finnigan | Kelly J A | O'Brien | Sweet |
| Bryant | Fuller | Kelly J J | O'Connor | Tallett |
| Burden | Gage | Kelly J D | O'ford | Taylor F J |
| Burr | Callup | Kelly P J | Pappert | Taylor T D |
| Bush | Garvey | Kenney | Patrie | Telford |
| Butts | Gathright | Kerrigan | Pembleton | Tudor |
| Campbell | Geoghan | Kiernan | Phillips | Ulrich |
| Carroll | Geyer | Knicht | Prime | Van Woert |
| Carver | Gibbs | Knott | Pullman | Vert |
| Caughlan | Gillen | Kornobis | Richardson | Volk |

| | | | | |
|-----------|-------------|-----------|----------------|----------|
| Cole | Gillett | Lane | Robinson | Walker |
| Cotillo | Goldberg | Larrimer | Rosan | Ward |
| Cronin | Grace | Levy | Schaap | Webb |
| Cuvillier | Greenberg A | Lewis | Schifferdecker | Weil |
| Daley | Grimme | Macdonald | Schnirel | Willard |
| Deits | Gurnett | Machold | Schwarz | Willmott |
| Dennen | Hamilton | Madden | Seaker | Wood |
| Denney | Hinman | Magee | Seely J L | Yale |
| Donohue | Hearn | Malone | Seelye G T | Yard |
| Dorst | Heyman | Maloney | Shepardson | Yeomans |
| Doty | Hinman | McCollum | | |

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate returned the concurrent resolution directing the Joint Legislative Investigating Committee to inquire into and report as to the matters referred to in Mr. Hinman's resolution in regard to Barge canal construction, with a message that they have concurred in the passage of the same amended to read as follows:

Whereas, A resolution was introduced in the Assembly on the 10th day of December, 1913, by the Hon. Harold J. Hinman requesting the State Engineer and Surveyor to present to the Legislature of 1914 upon the day upon which it convenes a detailed report in respect to various matters therein indicated and specified; therefore, be it

Resolved (if the Senate concur), That the Joint Legislative Investigating Committee heretofore created by concurrent resolution of the Senate and Assembly, adopted on or about the 3d day of May, 1913, be and it hereby is directed with all convenient speed to proceed to inquire into the various matters and things contained and alleged in the resolution first above mentioned, and to make public the results of such effort.

Mr. Levy moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 123

NOES 00

Those who voted in the affirmative were:

| | | | | |
|--------|---------|---------|------------|-------------|
| Adler | Dox | Hopkins | McCue | Silverstein |
| Allen | Edwards | Horton | McDaniels | Small |
| Baumes | Eisner | Hover | McElligott | Smith J A |
| Baxter | Emden | Hughes | McGrath | Smith M |

| | | | | |
|-----------|-------------|-----------|----------------|------------|
| Benninger | Esquirol | Ingram | McKee | Smith T K |
| Birnkrant | Evans | Jackson | McKeon | Squire |
| Bovie | Fallon | Jones | McMahon | Sufrin |
| Bradley | Farrell | Jude | Monahan | Sullivan |
| Brereton | Fitzgerald | Kane | Norton | Sutphin |
| Brewster | Finnigan | Kelly J A | O'Brien | Sweet |
| Bryant | Fuller | Kelly J J | O'Connor | Tallett |
| Burden | Gage | Kelly J D | Oxford | Taylor F J |
| Burr | Gallup | Kelly P J | Pappert | Taylor T D |
| Bush | Garvey | Kenney | Patrie | Telford |
| Butts | Gathright | Kerrigan | Pembleton | Tudor |
| Campbell | Geoghan | Kiernan | Phillips | Ulrich |
| Carroll | Geyer | Knight | Prime | Van Woert |
| Carver | Gibbs | Knott | Pullman | Vett |
| Caughlan | Gillen | Kornobis | Richardson | Volk |
| Cole | Gillett | Lane | Robinson | Walker |
| Cotillo | Goldberg | Larrimer | Rozan | Ward |
| Cronin | Grace | Levy | Schaap | Webb |
| Cuvillier | Greenberg A | Lewis | Schifferdecker | Weil |
| Daley | Grimme | Macdonald | Schnirel | Willard |
| Deits | Gurnett | Machold | Schwarz | Willmott |
| Dennen | Hamilton | Madden | Seaker | Wood |
| Denney | Hammer | Magee | Seely J L | Yale |
| Donohue | Hearn | Malone | Seelye G T | Yard |
| Dorst | Heyman | Maloney | Shepardson | Yeomans |
| Doty | Hinman | McCollum | | |

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

Mr. Levy offered for the consideration of the House a resolution in the words following:

Resolved, That the Clerk of the Assembly, and such other officers and employees as he shall designate, remain for a period of ten days after the final adjournment of this Extraordinary Session for the purpose of completing the clerical work of the session pursuant to section 13 of the Legislative Law.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 123

NOES 00

Those who voted in the affirmative were:

| | | | | |
|-----------|----------|---------|------------|-------------|
| Adler | Dox | Hopkins | McCue | Silverstein |
| Allen | Edwards | Horton | McDaniels | Small |
| Baumes | Eisner | Hover | McElligott | Smith J A |
| Baxter | Emden | Hughes | McGrath | Smith M |
| Benninger | Esquirol | Ingram | McKee | Smith T K |
| Birnkrant | Evans | Jackson | McKeon | Squire |

| | | | | |
|-----------|-------------|-----------|----------------|------------|
| Bovie | Fallon | Jones | McMahon | Sufrin |
| Bradley | Farrell | Jude | Monahan | Sullivan |
| Brereton | Fitzgerald | Kane | Norton | Sutphin |
| Brewster | Finnigan | Kelly J A | O'Brien | Sweet |
| Bryant | Fuller | Kelly J J | O'Connor | Tallett |
| Burden | Gage | Kelly J D | Oxford | Taylor F J |
| Burr | Gallup | Kelly P J | Pappert | Taylor T D |
| Bush | Garvey | Kenney | Patrie | Telford |
| Butts | Gathright | Kerrigan | Pembleton | Tudor |
| Campbell | Geoghan | Kiernan | Phillips | Ulrich |
| Carroll | Geyer | Knight | Prime | Van Woert |
| Carver | Gibbs | Knott | Pullman | Vert |
| Caughlan | Gillen | Kornobis | Richardson | Volk |
| Cole | Gillett | Lane | Robinson | Walker |
| Cotillo | Goldberg | Larrimer | Rozan | Ward |
| Cronin | Grace | Levy | Schaap | Webb |
| Cuvillier | Greenberg A | Lewis | Schifferdecker | Weil |
| Daley | Grimme | Macdonald | Schnirel | Willard |
| Deitz | Gurnett | Machold | Schwarz | Willmott |
| Dennen | Hamilton | Madden | Seaker | Wood |
| Denney | Hammer | Magee | Seely J L | Yale |
| Donohue | Hearn | Malone | Seelye G T | Yard |
| Dorst | Heyman | Maloney | Snepardson | Yeomans |
| Doty | Hinman | McCollum | | |

Mr. Benninger offered for the consideration of the House a resolution, in the words following:

Resolved, That the postmaster of the Assembly be and he is hereby directed to remain for a period of fifteen days after the adjournment of the Legislature to close up the affairs of his office and forward mail matter.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 123

NOES 00

Those who voted in the affirmative were:

| | | | | |
|-----------|------------|-----------|------------|------------|
| Adler | Dox | Hopkins | McCue | Small |
| Allen | Edwards | Horton | McDaniels | Smith J A |
| Baumes | Eisner | Hover | McElligott | Smith M |
| Baxter | Emden | Hughes | McGrath | Smith T K |
| Benninger | Esquirol | Ingram | McKee | Squire |
| Birnkrant | Evans | Jackson | McKeon | Sufrin |
| Bovi | Fallon | Jones | McMahon | Sullivan |
| Bradley | Farrell | Jude | Monahan | Sutphin |
| Brereton | Fitzgerald | Kane | Norton | Sweet |
| Brewster | Finnigan | Kelly J A | O'Brien | Tallett |
| Bryant | Fuller | Kelly J J | O'Connor | Taylor F J |
| Burden | Gage | Kelly J D | Oxford | Taylor T D |
| Burr | Gallup | Kelly P J | Pappert | Telford |
| Bush | Garvey | Kenney | Patrie | Tudor |

| | | | | |
|-----------|-------------|-----------|----------------|-----------|
| Butts | Gathright | Kerrigan | Pembleton | Ulrich |
| Campbell | Geoghan | Kiernan | Phillips | Van Woert |
| Carroll | Geyer | Knight | Prime | Vert |
| Carver | Gibbs | Knott | Pullman | Volk |
| Caughlan | Gillen | Kornobis | Richardson | Walker |
| Cole | Gillett | Lane | Robinson | Ward |
| Cotillo | Goldberg | Larrimer | Rozan | Webb |
| Cronin | Grace | Levy | Schaap | Weil |
| Cuvillier | Greenberg A | Lewis | Schifferdecker | Willard |
| Daley | Grimme | Macdonald | Schnirei | Willmott |
| Deitz | Gurnett | Machold | Schwarz | Wood |
| Dennen | Hamilton | Madden | Seaker | Yale |
| Denney | Hammer | Magee | Seely J L | Yard |
| Donohue | Hearn | Malone | Seelye G T | Yeomans |
| Dorst | Heyman | Maloney | Shepardson | Speaker |
| Doty | Hinman | McCollum | Silverstein | |

Mr. Levy offered for the consideration of the House a resolution, in the words following:

Resolved, That a committee of two be appointed by the Speaker to wait upon the Governor and inform him that the Assembly has completed its labors for the Extraordinary Session of the Legislature and is ready to adjourn.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Speaker appointed as such committee Messrs. Levy of New York and Hinman of Albany.

Mr. Walker offered for the consideration of the House a resolution, in the words following:

Resolved, That a committee of two be appointed by the Speaker to inform the Senate that the Assembly has completed its labors for this Extraordinary Session of the Legislature and is ready to adjourn.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Speaker appointed as such committee Messrs. Walker of New York and T. K. Smith of Onondaga.

Senators Boylan and Bussey, a committee from the Senate, appeared and announced that the Senate had completed its labors and was ready to adjourn.

Mr. Walker, from the committee appointed to wait upon the Senate and inform that honorable body that the Assembly had completed its labor and was ready to adjourn, reported that the committee had performed that duty.

Mr. Levy, from the committee appointed to wait upon the Governor and inform him that the Assembly had completed its labors and was read to adjourn, reported that the committee had performed that duty.

The Senate returned Senate bill (No. 82, Assembly Reprint No. 56, Rec. No. 38) entitled "An act making an appropriation for the compensation of counsel and other expenses of the Board of Managers of the Assembly in the matter of the trial of the articles of impeachment against William Sulzer."

Also, Senate bill (No. 73, Assembly Reprint No. 55, Rec. No. 30) entitled "An act making appropriations for the payment and discharge of indebtedness contracted and incurred by the Executive Department during the fiscal year ending September thirtieth, nineteen hundred and thirteen, in excess of appropriations made for said department."

Also, Senate bill (No. 77, Assembly Reprint No. 57, Rec. No. 33) entitled "An act to amend the Election Law, in relation to direct primaries and to elections, generally."

Also, Senate bill (No. 53, Assembly Reprint No. 53, Rec. No. 43) entitled "An act to amend the Insurance Law, in relation to the creation of mutual companies to insure employers against loss, damage or compensation resulting from injuries suffered by employees or other persons for which the person insured is liable."

Also, Senate bill (No. 71, Assembly Reprint No. 54, Rec. No. 27) entitled "An act making appropriations for the support of government," with a message that they have concurred in the amendments of the Assembly made thereto.

Ordered, That the Clerk return said bills to the Senate.

Mr. Speaker announced the resignation of Edward D. Jackson as member of Assembly from the Fourth District of the county of Erie.

The privileges of the floor were extended to Hon. George Washburne of Ulster.

Pursuant to resolution the Clerk designated.

The Clerk read the journal of the day's proceedings and, on motion of Mr. Levy, the same was approved.

The hour of eight o'clock p. m. having arrived, Mr. Speaker, pursuant to concurrent resolution, declared the Extraordinary Session adjourned sine die.

APPENDIX III.

[277]



APPENDIX.

(No. 1.)

AN ACT to amend the election law, in relation to nominations and primaries.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirty-six of chapter twenty-two of the laws of nineteen hundred and nine, entitled, "An act in relation to the election, constituting chapter seventeen of the consolidated laws," as amended by chapter eight hundred and ninety-one of the laws of nineteen hundred and eleven, is hereby amended to read as follows:

§ 36. State committee. [The state committees shall consist of such number, and elected from such units of representation, in even numbered years as the respective parties shall provide, by rules and regulations adopted at a state convention at which state officers are nominated. Until the adoption of such rules and regulations by a party, the number of members of a state committee and the units of representation therefor, shall continue as they now exist under its present rules and regulations. If in a unit of representation no candidate for the State committee receive a majority of all the votes cast for such position, the delegates to the state convention therefrom shall elect a state committeeman therefor.

Each member of the state committee shall be an enrolled voter of the party within the unit of representation he is elected to represent and shall hold office until his successor shall have been elected.

In a year when a president is to be elected, members of the state committee shall be elected at the spring primary and shall hold office until the election of their successors in the second year thereafter.]

The state committee of said party shall be constituted by the election from each assembly district of one member who shall be an enrolled voter of the party within said district. Each member of the state committee shall be entitled to one vote for his unit of representation, and to one additional vote for each one thousand votes or major fraction thereof cast within said unit of representation for the candidate of his party for governor at the preceding general election.

§ 2. Such chapter is further amended by adding a new section after section forty to be section forty-one thereof and to read as follows:

§ 41. *Party council.* In a year in which a governor is to be elected the candidates nominated by a party at an official primary election for offices to be voted for by the voters of the entire state, except judicial offices, the members of the state committee of such party, the candidates nominated by a party at an official primary election for the offices of state senator and member of assembly, and, if the rules of the state committee shall so provide, the chairmen of the county committees of the party, shall together constitute the party council, which shall meet at a time and place to be designated by the state committee in its rules. If no rule providing therefor shall have been duly adopted then such party council shall meet at a place, and at a time not more than two weeks after primary day, to be designated by the party candidate for governor, upon notice duly mailed to each member of the council at his post-office address not less than four days before the specified day of the meeting thereof; in case no meeting of such party council shall be called by the said candidate for governor, by notice mailed within eight days after primary day, the candidate for lieutenant-governor may call such meeting upon a like notice of four days. The candidate for governor, and in his absence the candidate for lieutenant-governor, shall preside at all meetings of the party council, and the members present at any meeting duly called shall constitute a quorum. At all meetings thereof each member shall be entitled to one vote. The party council may adopt a platform or statement of principles and policies, and may also adopt or change the party emblem as hereinafter provided.

§ 3. Section forty-five of such chapter is hereby amended to read as follows:

§ 45. Direct nominations of candidates for certain public offices; election of delegates; eligibility. Except as otherwise provided in this act: 1. Party nominations of candidates for a public office shall only be made [by a convention or] at a primary of the political party.

[2. Party nominations for offices to be voted for by all the voters of the state shall be made by conventions composed of delegates selected in the manner provided for in this article.

3. Party nominations for an office to be voted for by all the voters of the state, in a year when a governor of the state is not to be elected, or to fill vacancies caused by the death, declination or disqualification of the person nominated for an office at a state convention, shall be made by the state committee of the respective parties, unless otherwise provided for by the rules and regulations made by the state convention of the party desiring such nominations or the filling of vacancies to be otherwise made.]

4. All [other] nominations and election by a political party, both for party nominations and party positions, shall be made at the primary election herein provided for except that party nominations for town, ward and village officers and for the office of school director shall be made in the manner prescribed by rules to be adopted by the party committee of the county wherein such town, village or school district is located, and of the city committee wherein such ward is located.

5. Party nominations for an office to be voted for at a special election shall be made in the manner prescribed by the rules and regulations of the respective parties.

6. Candidates for party nominations to be made at the primaries and for election to party positions shall be designated either:

a. By party committees, organized and acting as by this chapter provided; or

b. By petition as in this chapter provided.

c. *Candidates for election as party committeemen at any official primary shall be designated by petition only.*

Petitions designating candidates for election as members of any party committee shall be filed in the office wherein the designations of candidates for nomination for public office within the same political division are required to be filed under the provisions of

law, and shall be so filed on or before five o'clock in the afternoon of the third Tuesday preceding the primary at which said candidates for party committees are to be voted for. All petitions filed in accordance with the provisions of this section, or certified copies thereof, shall forthwith be conspicuously posted by the custodian of primary records in his office and shall remain posted until primary day, and shall be open to inspection as public records at all reasonable hours.

Petitions designating candidates for election to the several committees of a party shall be signed only by enrolled voters of said party residing within the unit of representation from which the candidate is to be elected as follows:

(a) Where said unit of representation is an assembly district by not less than fifty nor more than one hundred enrolled voters.

(b) Where said unit of representation is less than an assembly district by at least five and not more than fifty enrolled voters.

[A person shall not be a candidate for delegate to the state convention of a party or eligible for the position of delegate unless he is an enrolled voter of the party within the county containing the unit of representation for which such position is to be filled.]

§ 4. Section fifty-eight of such chapter is hereby amended to read as follows:

§ 58. **[Official primary ballot.** There shall be prepared, printed and supplied in the manner hereinafter provided, for use at official primary elections, official primary ballots, and except as otherwise expressly provided in this chapter, no other ballot shall be used at an official primary election.

No names of candidates for any nomination to public office or election to a party position shall be printed upon the official primary ballot, except upon designation duly made as prescribed in this chapter; nor shall any names, words, or signs, or writing whatever be printed, written, stamped or in any manner placed upon an official primary ballot except as herein provided.

The official primary ballots shall conform in quantity, weight, and style of printing, to the ballots described in this chapter for use at the general election. The ballots of no two parties shall be of the same color. The secretary of state shall designate the color of ballots for each party. The ballot shall be printed upon the

same leaf of the stub and separated therefrom by a perforated line. The part above the perforated line, designated as the stub, shall extend the entire width of the ballot, and shall be of sufficient depth to allow the following instructions to voters to be printed thereon in type known as brevier, with the word "Instructions" in larger type above:

This ballot shall be marked in one of two ways with a pencil having black lead. To vote a straight ticket mark a cross X mark within the circle above such ticket. To vote a split ticket, that is, for candidate under different circles, the voter shall make a cross X mark before the name of each candidate for whom the voter may vote. If the ticket marked in the circle for the straight ticket does not contain the names of all candidates for whom the voter may vote, he may vote for candidates so omitted by making a cross X mark before the names of candidates for the same offices or positions on another ticket, or by writing the names if they are not printed upon the ballot, in the blank column, under the title of the office or party position. To vote for a person not on the ballot, write the name of such person under the title of the office or party position in the blank column. Any other mark than the cross X mark used for the purpose of voting, or any erasure made on this ballot, makes it void, and no vote can be counted hereon. If you tear or deface or wrongfully mark this ballot, return it and obtain another but only one additional ballot may be thus obtained."

Upon the face of the ballot and directly below the perforated line shall be printed the following: "Official ballot for the primary election of the (name* or party) party," the name of the county and town or city; the date on which such primary is held; the assembly district number, number of the ward, and the election district number, directly below which shall be printed a heavy black line.

The portion of such ballot below such horizontal black line shall be divided into columns by lighter black lines. The titles of the different offices for which candidates are to be nominated, or party positions to be filled, shall be arranged in such columns in the following order, from top to bottom: Justice of supreme court, representative in congress, state senator, member of assem-

bly, county and city officers in the order in which they respectively will appear upon the official ballot at the general election, delegates to state convention, member of state committee, member of county committee, and other committees in such order as the custodian of primary records shall determine. The titles of the public offices or party positions shall be printed in a space one inch in depth and at least two inches in width, divided by horizontal lines with a blank space on the left thereof one-quarter of an inch square, inclosed by heavy dark lines which space is called the voting space. Below the names of the several candidates or group of candidates designated for the same public office or party position shall be printed a heavy line across the entire width of the ballot. Above the titles of the different offices for which candidates are to be nominated or party positions to be filled, in the center of a sufficient space separated therefrom by a heavy black line, shall be printed the emblem of the party committee or the emblem selected by the petitioners as the case may be by whom such candidates were designated. If the various committees of any party fail to unite in selecting the same committee emblem, the custodian of primary records shall select the same, to be printed in the appropriate space at the head of the committee column, upon all ballots to be used within his jurisdiction. Immediately below the *emblem and in the same space, shall be printed in the center of such space a blank circle one-half inch in diameter, defined by heavier lines than the lines dividing the blank space before the names of candidates, as herein provided. The candidates designated by party committee shall be so arranged in the column to the extreme left. Candidates designated by petition shall be arranged in the other columns of the ballot from left to right in the chronological order in which the designations were filed, but with the titles of the public offices and party positions and the candidates designated therefor directly opposite the same titles and the names of candidates designated for the same offices or party positions in the committee column. The name of a candidate shall not appear more than once on the ballot as a candidate for the same public office or party position. To the right of the ballot shall be a column in which shall be printed only the titles of the public offices and party positions

opposite the corresponding titles, respectively, under which the names of the candidates or candidate have been printed. Beneath each such title the spaces shall be the same size and arranged in the same manner as where the names of candidates are printed beneath the corresponding title, except that the voting space shall be omitted.

On the back of the ballot below the stub and immediately at the left of the center of the ballot shall be printed the name and emblem of the party, and in great primer roman condensed capitals "Official primary ballot for," and after the word "for" shall follow the designation of the polling place for which the ballot is prepared, the date of the primary election, and a fac-simile of the signature of the officer who has caused the ballot to be printed. Immediately above the center of such indorsement and upon the back of the stub, shall be printed the consecutive number of the ballot beginning with "No. 1," and increasing in regular numerical order, and on the back of the stub below the number, the name of the party. All ballots shall be substantially in the following form:]

There shall be prepared, printed and supplied in the manner hereinafter provided, for use at official primary elections, official primary ballots for each election district for each party equal in number to one and one-third times the total number of enrolled voters of the party in the election district, and except as otherwise expressly provided in this chapter, no other ballots shall be used at an official primary election.

No names either of candidates for nomination for public office, or of candidates for any party office or position, or of candidates for delegates or alternates to any convention, shall be printed upon an official primary ballot except upon designation duly made by a party committee as prescribed in this article or upon petition duly made as prescribed in this article or in article two of this chapter. Nor shall any names, or words, or signs, or writing whatever be printed, written, stamped or in any manner placed upon an official primary ballot except as herein provided.

The official primary ballots shall conform in quality, weight, color and style of printing to the ballots prescribed in this chapter for use in the general election. The ballot shall be printed

upon the same leaf with the stub and separated therefrom by a perforated line. The part above the perforated line, designated as the stub, shall extend the entire width of the ballot, and shall be of sufficient depth to allow the instruction to voters to be printed thereon. Upon the face of each stub shall be printed in type known as brier the following instructions: "In order to vote, the voter should make with a lead pencil having black lead a cross X mark in the voting space at the left of the name of the candidate or candidates for whom he desires to vote. To vote for a person whose name is not on the ballot, write the name of such person under the title of the public office or party position in the blank space provided for that purpose. Any other mark than the cross X mark used for the purpose of voting, or any erasure made on this ballot, makes it void, and it cannot be counted as a vote for any candidate. If you tear or deface or wrongly mark the ballot, return it and obtain another, but only one additional ballot may be so obtained."

The face of the ballot below the perforated line shall be divided into two parts by a heavy black vertical line. Immediately below the perforated line in the center of the space at the left of said vertical line shall be printed the caption "candidates for nomination for public office." Under said caption the names of candidates for nomination for public office shall be printed under the titles of the respective offices for which they are candidates respectively, so that the names of all candidates for nomination for an office shall be printed under the title of said office, and so that the said offices shall appear in the same consecutive order in which they appear upon the official ballot for the general election. Immediately below the title of each public office shall be printed in brier lower case type a direction to voters as to the number of persons to be voted for, in the following words: "Vote for" (the blank space being filled with the number of persons to be nominated for said office at the official primary election). Immediately below this direction and separated therefrom by a horizontal line shall be printed the name or names of candidates duly designated for such office by committees as provided in this article, and these names shall be followed by the names of all candidates duly designated by petition

for such office as provided in this article. And the names of all said candidates designated by petition shall be arranged in the order in which the petitions designating the same were filed with the proper officer. Where a petition lawfully contains the names of more than one candidate for nomination to the same office and said names are not entitled to a place upon the ballot by virtue of the filing of an earlier designation, they shall be arranged in the order in which they appear in the said petition. Immediately below the names of all the candidates in the case of each public office there shall be left a blank space or blank spaces equal in number to the number of candidates to be nominated for said office. The voter at the official primary election may write in such blank space or spaces the name of any person or persons for whom he wishes to vote whose name or names are not printed upon the ballot. Voting spaces shall be provided at the left of each column opposite the names of candidates in the same manner as provided for on the official ballot for the general election.

Immediately below the said perforated line and in the space at the right of said vertical line shall be printed the caption "Candidates for party positions." Under said caption the names of candidates for election to party positions shall be printed under the titles of the respective party positions for which they are candidates respectively, so that the names of all candidates for a party position shall be printed under the title of said position, and so that the said positions shall appear in the order in which said positions are defined in article two of this chapter. Immediately below the title of each said party positions shall be printed in brier lower case type a direction to voters as to the number of persons to be voted for, in the following words: "Vote for " (the blank space being filled with the number of persons to be elected to said party positions at the official primary election). Immediately below this direction and separated therefrom by a horizontal line shall be printed the name or names of candidates duly designated by petition for such party positions as provided in this article two and in this article of this chapter, and the names of all said candidates shall be printed in the order in which petitions designating them were filed with the proper officer. And where two or more candidates are to be

elected to a party position the names of the respective groups of candidates designated by petition shall be arranged in groups in the order in which the petitions designating them respectively were filed with the proper officer, the candidates of each particular group being arranged by placing on the ballot the names in said group in the alphabetical order of surnames. Immediately below the names of all the candidates in the case of each party position there shall be left a blank space or blank spaces equal in the number to the number of candidates to be nominated for said position and the voter at the official primary election may write in such blank space or spaces the name or names of any person or persons for whom he desires to vote whose name or names are not printed upon the ballot. Voting spaces shall be provided at the left of each column opposite the names of the candidates in the same, manner as provided for on the official ballot for the general election.

Where, there shall be more than thirty persons designated for nominations to public office or more than thirty persons designated for election to party positions, then in either case the names of persons so designated for nomination to public office or for election to party positions, respectively, shall be arranged in columns on the proper side of heavy black vertical lines as hereinbefore prescribed so that not more than thirty names shall be placed in any one column and so that the names of persons designated for nomination for the same office or for election to the same party positions shall not be placed in different columns.

The names of candidates for nomination for public office and the names of candidates for party positions shall be numbered consecutively with arabic numerals printed in heavy faced type at the left of the name of each candidate and at the right of the voting space aforesaid from (1) upward beginning with the name of the first candidate for nomination for public office whose name is printed first upon the ballot in the column at the left and continuing consecutively through the names of said candidates for nomination for public office and then consecutively through the names of the candidates for party positions; provided that where there are two or more candidates for a party position grouped as aforesaid, each group shall have a single number and there shall

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elected to a party position shall designate the order in which the candidates shall be filed with the proper group being arranged in the alphabetical order of the names of the candidates in the position there shall be the number to the position and the vote in such blank space or persons for whom not printed upon the left of each column the same, manner as in a general election.

Where there shall be nominations to party positions for election to party positions, the proper side of the column shall be so designated so that not more than one nomination for the position shall not be made.

The names of candidates shall be printed consecutively with the names of the candidates at the left of the voting space aforesaid of the first candidate is printed first upon the column continuing consecutively the names of the candidates there are two or more aforesaid, each

No. 84

REPUBLICAN BALLOT.



PRIMARY BALLOT FOR FIFTH
ELECTION DISTRICT, EIGHTH
ASSEMBLY DISTRICT,
OF KINGS, OCTOBER 4, 1910.

JOHN DOE,

(Facsimile)

President Board of Elections.

be immediately above and immediately below the names in each group from the names or groups of names of other candidates for the same party position.

Where the name of a candidate for nomination for public office shall be printed upon the ballot pursuant to a designation by a party committee, the same name shall not be printed upon the ballot as a candidate for nomination for said office pursuant to any designation by petition.

Where the name of a candidate for nomination for the same public office or for election to the same party position, or where the same group of candidates for the same party positions, is designated by two or more petitions, it shall be placed upon a ballot only once and in the place to which it is entitled by virtue of the time of filing of the petition earliest filed; provided that where the name of a candidate for a party position to which two or more persons are to be elected appears as one of a group in more than one petition, the said name shall be printed as many times as it may form part of distinct parts or groups; and provided further that nothing herein contained shall prevent the printing of the name of a candidate upon the same official ballot as a candidate for nomination for public office and at the same time as a candidate for one or more distinct party positions.

On the back of the ballot, below the stub, and immediately at the left of the center of the ballot, shall be printed the name and emblem of the party, and in great primer roman condensed capitals: "Official primary ballot for," and after the word "for" shall follow the designation of the polling place for which the ballot is prepared, the date of the primary election, and a facsimile of the signature of the officer who has caused the ballot to be printed. On the back of the stub, immediately above the center of the indorsement upon the back of the ballot, shall be printed the consecutive number of the ballot, beginning with "number one," and increasing in regular numerical order.

The official primary ballot shall be prepared and printed in substantially the following form:

Sec. 5. This act shall take effect immediately.

[ASSEMBLY JOURNAL.] 37

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(No. 2.)

ALBANY, July 17, 1913.

To the Senate and Assembly:

The joint Judiciary Committee of the Legislature appointed pursuant to a concurrent resolution of the Legislature of June 25, 1913, to investigate the matters contained in the message of the Governor, transmitted to the Legislature on June 25, 1913, relating to certain alleged acts of Daniel F. Cohalan, a justice of the Supreme Court, and to hear the evidence and report the proceedings with its findings and recommendations thereon to the consideration of the Legislature, respectfully submits the following report:

Public attention was called to certain alleged acts of Justice Cohalan which tended to discredit and impair his personal and professional character and fitness for public office, by a series of articles published by a newspaper — The New York World. On June 18, 21 and 23, 1913, the Grievance Committee of the Bar Association of the City of New York investigated the various allegations made by the New York World and one John A. Connolly, and to that investigation said committee invited Justice Cohalan to appear personally and by counsel and to offer such evidence as he deemed advisable. Justice Cohalan did not appear personally or by counsel before the committee of the Bar Association, but informed it that he had requested the Governor to submit the charges to the Legislature for investigation. (Printed Record, page 4.) The aforesaid Grievance Committee examined various witnesses and made its report to the Governor, June 23, 1913, stating that the evidence prima facie sustained certain statements of facts and included a statement issued by Justice Cohalan and printed in the public press which it alleged was untrue and misleading.

On June 25, 1913, the Governor, by a message, called the attention of the Legislature to the report of the Bar Association with the exhibits, affidavits and documents annexed thereto, and suggested an investigation of the alleged charges pursuant to article 6, section 11 of the Constitution. On the receipt of the

said message concurrent resolutions were adopted providing for a course of procedure and referring the matter to the joint Judiciary Committee of the Legislature, to hear the evidence and report with all convenient speed of the proceedings had and submit a report with findings, conclusions and recommendations to the Legislature for its consideration.

On June 30, 1913, the aforesaid committee convened and counsel for the Bar Association submitted formal charges which were, pursuant to the Provisions of the Constitution, duly served on Justice Cohalan. Said charges are set forth in the record herewith submitted. (Printed Record, page 41.)

Your committee convened on July 8, 1913, in the Senate Chamber and held daily sessions until the 11th of July, 1913, inclusive. The investigation was attended by the counsel for the committee, counsel for the Bar Association of the City of New York and by counsel for the respondent. All witnesses were heard that were presented for examination and all evidence admitted except certain minor matters of evidence which were ruled out as improper. At the conclusion of the evidence arguments were made orally by counsel for the Bar Association and by counsel for the respondent.

Fair and full opportunity for the presentation of facts has been given to all parties interested. No attempt was made to curtail the investigation or to prevent the production or examination of any witnesses produced by any party, and the efforts of the Committee along this line met with the approval of the eminent counsel for the Bar Association who, at the conclusion of the evidence caused to be placed upon the record the following statement:

"I deem it fit and proper to state on the record that the Bar Association has been afforded by the Committee and its counsel, Judge Kellogg, every opportunity to call any witness who could give testimony as to any material facts relating to this matter; that the counsel for the Committee has in every respect facilitated and co-operated with the counsel for the Bar Association; that the Bar Association has called every witness who, so far as it knew, could testify to any material facts, except Mr. Cruikshank's partner, Mr. Blackman, whose testimony could only be a cumulative of that

given by Mr. Cruikshank; and that in the judgment of the counsel for the Bar Association, whatever evidence has been excluded on our offer might fairly and properly be the subject of difference of opinion; and that the counsel for the Bar Association do not believe that the investigation has thereby been materially curtailed or the door closed to the proof of any material facts."

The proceedings had before your Committee have been printed, forwarded to each member of the Legislature and are herewith submitted in full. The Committee in discharge of the duty imposed by the Legislature now reports its findings, conclusions and recommendations.

The principal witness brought to sustain the charges was John A. Connolly, who asserted that he himself was a party to the transactions with the respondent that are said to be questionable. Connolly does not come before the Committee with even a suggestion of any proper motive. He does not claim to be moved by feelings of remorse or desire to promote justice. He testifies he was actuated by motives of revenge because of the failure of the respondent to accede to his wishes in the matter of procuring employment. The evidence clearly indicates mercenary motive.

It appears that during the past year Connolly entered into negotiations with the Press Publishing Company which resulted in a written contract of employment, of which the following is a copy:

**"AGREEMENT BETWEEN CONNOLLY AND THE
PRESS PUBLISHING COMPANY.**

"Agreement, made this third day of January, 1913, between John A. Connolly of the city of New York and The Press Publishing Company (New York World).

"Witnesseth:

"Whereas, John A. Connolly has in his possession certain documents and facts bearing on matters affecting the public welfare, the publication of which if corroborated by evidence he claims is obtainable with his aid, will be a public service, and has this day delivered certain of the papers and documents to the undersigned.

" Now, therefore, The Press Publishing Company agrees in exchange for the said documents and all of the other information in the possession of Mr. Connolly or obtainable by him in the premises to pay him one thousand (\$1,000) dollars in cash at once on the signing of this agreement, and will give him employment in connection with the rental of the Pulitzer Building and its custodianship in such capacities as he may qualify for, from and after the date hereof, and will pay him therefor, at the rate of three thousand (\$3,000) dollars a year for a total period of three years; and in the event of his death after four months but during the remaining contract period The Press Publishing Company agrees to pay the remaining salary to his legal heirs or representatives.

" In addition to this, The Press Publishing Company agrees to pay to said Connolly a commission of 5 per cent. of the collected net rental for the first year of occupancy of any tenants secured for the Pulitzer Building by Mr. Connolly. This commission shall be payable only to him personally.

" Said Connolly agrees to devote his entire time and energy during this agreement to the investigation and subsequently to the other duties.

" But in the event that the investigation made by said Connolly or such investigation as we may make independently or in conjunction with him, does not after four months from date develop facts justifying the contemplated publication in the judgment of The Press Publishing Company, this agreement shall then and there terminate, and any of said Connolly's papers in the possession of The Press Publishing Company shall be forthwith returned to him.

" The Press Publishing Company shall be the sole judge of whether the facts developed by the investigation justify publication.

" The services of said Connolly in making these investigations and the developments of the same are to be exclusively for The Press Publishing Company.

" Said Connolly has the right and option to declare this agreement at an end and terminate same without liability for damages after four months on giving The Press Publishing Company thirty days' notice of his intention to do so; but if during this

four months he does not diligently and faithfully pursue the investigation and corroboration, he shall return to The Press Publishing Company all moneys paid him.

" This to bind the parties hereto, their legal representatives and successors.

" In Witness Whereof, We have hereunto set our hands the day and year first above written.

" THE PRESS PUBLISHING COMPANY,

" By Ralph Pulitzer, President.

" Witness: F. D. White.

"JOHN A. CONNOLLY.

" Witness: O. B. Pine."

Under this contract there was paid to Connolly the sum of \$1,000 and certain weekly installments of the salary fixed.

We are not concerned here with the motives of the Press Publishing Company; the contract speaks for itself. The contract is important, however, as showing the underlying motives for Connolly's activities in attempting to prove his charges. The reward was large and the incentive to manufacture evidence was correspondingly strong.

With these considerations in mind we are of the opinion that practically no weight whatever can be given to any statement of Connolly, except so far as the same is corroborated by competent evidence, or by the sworn testimony of witnesses whose evidence we deem to be creditable, or by such facts as are admitted by the respondent. Under these conditions we think it will be conducive to the proper disposition of the various allegations if they are taken up for consideration in the order in which they were presented in the statement of the causes alleged.

Counsel for the Bar Association particularized the allegations as to the untruthful and misleading newspaper statement of the respondent charged in the fifth specification (Printed Record page 45.)

The first specification of the statement of the cause alleged is as follows:

" That in or about the month of November or December, 1903, and again in or about the month of May, 1904, at the City of New York, said respondent agreed with John A.

Connolly to obtain for the Victor Heating Company, a New York corporation, by use of his political influence, contracts and orders from administrative or executive officers of the City of New York for work to be done and materials to be furnished by said heating company to the City, or departments thereof, in consideration of the payment to him of a percentage of the profits of said company derived from such orders or contracts, and that said agreement was carried into effect by various acts, as more particularly set forth and referred to in said report of the Committee on Grievances."

It appears from the evidence that in the municipal election in the City of New York in November, 1903, the candidates of the Democratic party were chosen for terms which were to commence on the 1st day of January, 1904. At that time the respondent had obtained some prominence in the political councils of his party.

Connolly and the respondent had been acquaintances for about six years. Connolly was the controlling spirit in the Victor Heating Company, a corporation which performed steamfitting work and repaired boilers and pumps. Considerable work of the nature performed by Connolly's corporation was necessary in maintaining plants and machinery in public buildings of the city. The respondent aided in obtaining for said corporation, work in the Department of Public Offices and Buildings to an amount over \$11,000; in work in the Department of Water Supply, Gas and Electricity to an amount over \$37,000. There is no evidence that the respondent agreed to use his political influence to obtain this work. Repair work of this nature in sums of less than \$1,000 under the charter of the city of New York was properly awarded without competitive bidding by the department heads. It is conceded in this proceeding that the work performed by Connolly's corporation was satisfactory, fully up to the specifications and rendered at fair and reasonable prices. That the work was of the same nature, and the prices paid the same as had been paid to others engaged in the same enterprise. Nothing was lost either in the efficiency of the work or in the increase in the cost thereof in the slightest degree.

The condition is absolutely the reverse of those conditions disclosed in *Drake v. Lauer*, 93 App. Div. 86, affirmed in 182 N. Y. 533, cited by counsel for the Bar Association.

In that case the contract contemplated in addition to procuring contracts from the State "the obtaining from the office of the State Engineer the estimates of the costs of the work which were not opened to other bidders upon the work" (pages 90, 91), a provision clearly against public policy.

There is nothing to indicate any improper use of political influence and no suggestion of any illegal diversion of the public funds.

Connolly testified that for the services in procuring the contracts he agreed to pay to the respondent 55 per cent. of the net profits and that this agreement followed the rejection of a proposition made by the respondent that he be given one-half of the stock of the contracting company. There is no corroboration of these statements in the evidence of any other witness. It is expressly denied by the witness O'Hanlon who, Connolly stated, was cognizant of the arrangement.

Connolly further testified that a certain letter which contained this offer was dictated by him, typewritten by O'Hanlon, copied in the back of a letter book and mailed to the respondent; that later Connolly removed the copy from the book and delivered it to the respondent, who crumpled it up. O'Hanlon, however, denied any knowledge of this letter or of any percentage agreement. The letter, if copied, was not in its chronological order and was not indexed as were other letters in the book.

A letter press copy of a statement in the back of a personal letter book of Connolly was produced in evidence, said to have been made by the bookkeeper, Wiley, about April, 1905, showing the alleged transaction with respondent up to that date upon the basis of 55 per cent. (See Comp.'s Ex. 21 and 22.) This statement also not in its regular order, undated, containing no name, in the back of a letter book of Connolly preceding which and succeeding pages had been removed, not shown to have been brought to the knowledge of the respondent, is not to be considered as binding upon him.

We are of opinion that there is not sufficient evidence to sustain

the charge that an agreement existed between Connolly and respondent for the payment of a percentage of the profits.

The respondent concedes that he received the various sums alleged to have been paid by Connolly, with the exception of the item \$55.55, claimed by Connolly to have been 10 per cent. of the first payment of the Department of Water Supply, Gas and Electricity. The so conceded payments aggregate \$3,885 and are scattered over a period of three years. The respondent testified that he rendered services of a professional nature to the corporation involving the conduct of litigation, consultation, advice and other services of a running and continuous character in connection with these contracts and with various other matters, and that the payments were made in consideration of these services.

From our examination of the authorities, we are of the opinion that there was nothing illegal in the rendition by the respondent of the services mentioned, nor in the acceptance by him of compensation therefor.

Lyon v. Mitchell, 36 N. Y. 235; Dunham v. Hastings Paving Co., 56 App. Div. 244; Breen v. Union R. R. Co., 9 App. Div. 122; Swift v. Apsell 14 Misc. 433.

The second specification of the charges relates to the alleged agreement for the destruction of evidence, the preparation and verification of a false amended complaint, and the destruction of the accounts and other records of the Victor Heating Company.

It was testified by Connolly that Mr. Cruikshank, his attorney, had mutilated or destroyed certain cancelled checks, check stubs, and accounts in the ledgers of the company after the repayment of the monies by the respondent.

It appears to have been contemplated by all the parties concerned that those papers in the action which were regarded as unnecessary should be destroyed in the effort to prevent Connolly from renewing his activities against the respondent. The destruction of these papers did not constitute a destruction of evidence, since the action had been finally terminated. There is no testimony tending to show that any evidence as such was destroyed by any one or that there was an agreement to that effect.

It does appear, however, that the original complaint and the copy served in the action brought against the respondent by the Victor Heating Company was destroyed. This complaint evidently was founded upon a cause of action for money had and received, with an additional allegation charging the respondent with failure of performance on his part.

After the commencement of the action the respondent made overtures of settlement offering various amounts. Connolly refused to accept less than the face of the claim and it was finally agreed to settle for that amount, without interest or costs.

Throughout the entire controversy, the testimony shows the respondent insisted that the claim had no legal foundation and Cruikshank testified that the respondent designated the demand as "blackmail." It appears that the respondent would not pay any sum of money under the charge alleged in the complaint. The attorney for Connolly stated that his client regarded the transaction as a loan and thereupon drew an amended complaint, demanding a recovery for money loaned and advanced to the respondent.

It was charged that it was improper to have connived at or assisted in the drawing of the amended complaint, which was untrue because all of the parties to the transaction knew that the money had not been loaned by the company to the respondent. We are satisfied from an examination of the authorities that a state of facts such as this may be properly pleaded under one or more forms of pleading. The plaintiff could treat the facts under either theory, for money had and received or for money loaned; and if its officers and attorney saw fit to so modify the original cause of action, and the respondent insisted that the same should be so modified before the payment of the money, we see nothing wrong in the transaction and the amendment of the complaint was in no respect improper.

The respondent testified that the settlement was made by him for the purpose of avoiding publicity. The respondent should have resisted Connolly's demand and it was a mistake to have yielded.

We find no proof of the agreement of the respondent to destroy the books, accounts or records belonging or appertaining to the business of the Victor Heating Company, and that the amended

complaint cannot, in view of the right of the plaintiff to elect, be considered as a false pleading,

The third and fourth specifications of the statement of the cause alleged are clearly connected and may be considered together. They are as follows:

“ 3. That in or about the month of April, 1911, at the city of New York, said respondent agreed with John A. Connolly to obtain for said Connolly an appointment to public office or to a clerkship, or other subordinate position in a public office, in consideration of a promissory note of said Connolly in favor of the respondent payable to respondent's order for the sum of \$4,000.

“ 4. That in or about the month of April, 1911, at the city of New York and in connection with said note for \$4,000 mentioned above, said respondent agreed with said John A. Connolly to have the said Connolly make a false affidavit to the effect that there were no defenses to said note and no counterclaim or offsets against the same.”

As to these charges, it is sufficient to say that there is no evidence in the case, even from Connolly himself, to justify a finding that the note of \$4,000 was given in consideration of an agreement by the respondent to secure for Connolly an appointment to public office or employment. It appears from the testimony that Connolly was financially irresponsible and the note and affidavit of estoppel were given as an admission of indebtedness by Connolly. This view is strengthened by the testimony in respect to the meeting between the respondent and Mr. Warren in May, 1913.

From a consideration of the facts in evidence it appears that the note for \$4,000 was legally enforceable, and that the estoppel affidavit contained no false statement.

The remaining specification, the fifth, charges the respondent with making and issuing to the press a statement in regard to matters alleged in the preceding specifications, which was untrue and misleading. The respondent testified to substantially the matters contained in this statement. Our action in not sustaining the truth of those other specifications dispense with the necessity of determining this charge, but we find that the statement referred to was not false or misleading.

CONCLUSION AND RECOMMENDATION.

Your committee, therefore, concludes that none of the causes alleged for the removal of the respondent has been proved, that a case for legislative action against the respondent has not been made out, and we therefore recommend that this proceeding be dismissed and that no further action be taken by the legislature thereon.

Dated Albany, July 17, 1913.

JOHN F. MURTAUGH,
Chairman Joint Judiciary Committee,
WILLIAM B. CARSWELL,
JAMES D. McCLELLAND,
HENRY W. POLLOCK,
ANTHONY J. GRIFFIN,
HERMAN H. TORBORG,
GEORGE A. BLAUVELT,
JAMES A. FOLEY,
HENRY P. VELTE,
HERBERT P. COATS,
ROBERT F. WAGNER,
AARON J. LEVY,
MARK GOLDBERG,
PETER P. McELLIGOTT,
EDWARD WEIL,
LOUIS A. CUVILLIER,
PATRICK J. McMAHON,
CHARLES D. DONOHUE,
LOUIS D. GIBBS,
MORTIMER C. O'BRIEN,
CYRUS W. PHILLIPS,
MICHAEL SCHAAP.

On the motion to adopt the report, Messrs. John L. Sullivan and Charles J. Vert voted in the negative.

It was then moved that it is the sense of the Committee that Daniel F. Cohalan shall not be removed from the office of Justice of the Supreme Court.

The motion was carried unanimously, Mr. Sullivan present, but not voting.

REPORT OF THE JOINT LEGISLATIVE INVESTIGATING COMMITTEE.

Submitted August 11, 1913.

To the Senate and Assembly of the State of New York in Extraordinary Session Assembled:

The joint Legislative Investigating Committee heretofore appointed with power, among other things, to investigate into, ascertain and report at this extraordinary session upon all expenditures made by any candidate voted for at the last preceding election by the electors of the whole State, and upon all statements made by and on behalf of any such candidate for moneys or things of value received or paid out in aid of his election and their compliance with the present requirements of law relative thereto, does hereby report as follows:

That this Committee has held public hearings, taken sworn testimony and investigated generally the specific matters above referred to; and this Committee is of the opinion that said hearings and the evidence given thereat have disclosed such unlawful conduct by one candidate at the last general election as to warrant and require an immediate and separate report in respect thereto, in order that the Legislature may take such action thereon at this extraordinary session as the public interest and welfare demand.

William Sulzer, a candidate for Governor at the last preceding election and now Governor of this State, in accordance with the requirements of the so-called Corrupt Practices Article of the Election Law and the statutes in relation to campaign contributions and expenses, filed on November 13, 1912, a statement under oath setting forth in effect that all the money received by him in aid of his election, directly or indirectly, as candidate of the Democratic party for the office of Governor of the State of New York in connection with the general election held in the State of New York on the 5th day of November, 1912, was the

sum of \$5,460 and no more. The following is the oath made and filed with the Secretary of State by William Sulzer:

STATE OF NEW YORK, }
CITY AND COUNTY OF NEW YORK, } ss.:

Wm. Sulzer being duly sworn says that he is the person who signed the foregoing statement that said statement is in all respects true and that the same is a full and detailed statement of all moneys received, contributed or expended by him directly or indirectly by himself or through any other person in aid of his election.

WM. SULZER.

Sworn to before me this 13th
day of November, 1912.

ALFRED J. WOLFF,
Commissioner of Deeds, No. 72, New York City.

A preliminary investigation of certain of the 68 contributions aggregating said amount of \$5,460 and set forth in said statement, disclosed that the checks for some of these conceded contributions were first endorsed in the name of William Sulzer and thereafter were endorsed by one L. A. Sarecky for deposit in the Mutual Alliance Trust Company at 35 Wall street, New York city. There was also produced before the Committee at its first hearing on this subject a check for \$2,500 for Jacob H. Schiff's campaign contribution to William Sulzer, signed Kuhn, Loeb & Company, to the order of said Sarecky, likewise deposited by said Sarecky in said account in the Mutual Alliance Trust Company.

With these facts and this evidence before it, this Committee, on July 30, 1913, called the said Sarecky to the witness stand, who, after being duly sworn, admitted that for years he had acted as confidential secretary to William Sulzer, but refused to answer any questions relative to the campaign statement of William Sulzer, or to any campaign contributions, or to deposits in the Mutual Alliance Trust Company; and it is and was the opinion of your Committee from the answers of said witness and his demeanor on the stand that his refusal to testify was at the instance and direction of Governor Sulzer.

It further appeared at the said first hearing on this subject that a campaign contribution of \$500 in aid of the campaign of

William Sulzer from Abram I. Elkus, represented by his check to the order of William Sulzer, had been received and personally endorsed by the said Sulzer and deposited to his personal account in the Farmers' Loan & Trust Company, in which company the said Sarecky admitted that William Sulzer had for a long time had an account. At a subsequent hearing it appeared that the deposit slip accompanying said check when deposited in the Farmers' Loan & Trust Company was also in the handwriting of William Sulzer. Neither the Schiff contribution nor the Elkus contribution was included in the sworn statement of William Sulzer dated and verified November 13, 1912.

Upon these facts the Committee proceeded to have a further hearing in the city of New York at which time there was produced a true transcript of the account of said Sarecky in the Mutual Alliance Trust Company, and a true transcript of the account of said Sulzer in the Farmers' Loan & Trust Company according to the original books of account of the said trust companies.

By the transcript of the Mutual Alliance Trust Company it was proven that the total amounts deposited during the period of the campaign in the account of L. A. Sarecky and evidently for campaign purposes, instead of being \$5,460 was \$12,405.93; and William Sulzer not only knew that Sarecky's account contained his campaign contributions, or some of them, but he authorized their deposit therein as is shown by a letter signed by said Sulzer, dated October 22, 1912, and addressed to the Mutual Alliance Trust Company as follows:

" Mutual Alliance Trust Company.

October 22, 1912.

Gentlemen.— This is to inform you that I have authorized my private secretary, Mr. L. A. Sarecky, to indorse my name to any checks donated to my campaign fund and to deposit same to his credit.

Very truly yours,

WILLIAM SULZER."

The original deposit slips with the Mutual Alliance Trust Company for said period were also produced before your Committee and instead of showing that contributions had been received from 68 persons aggregating in amount \$5,640, the fact was that there had been deposited 94 checks from various contributors, together with a sum in cash or currency of between \$1,500 and \$2,000.

At this same hearing there was also produced before your Committee a personal check for campaign contribution by William F. McCombs, then Chairman of the Democratic National Committee, for \$500 to the order of William Sulzer, thereafter deposited by Sarecky in the Mutual Alliance Trust Company and not reported by William Sulzer in his statement sworn to November 13, 1912.

There was further produced at said hearing in New York city a check by Henry Morgenthau, then Chairman of the Finance Committee of the Democratic National Committee, for \$1,000 to the order of William Sulzer, which check was endorsed personally by William Sulzer and although a campaign contribution, was deposited by him, accompanied by a deposit slip in his own handwriting, in his personal account in the Farmers Loan and Trust Company.

Thereafter there was produced a full transcript of the Farmers Loan and Trust Company's account of William Sulzer from September 1, 1912, to January 1, 1913, with the original deposit slips, from which it appeared that the amount of deposits between said dates to the account of William Sulzer was \$24,395.31; that on October 8th and 10th, when William Sulzer was in New York city, he deposited in checks and currency in said account the sum of \$7,900, of which amount the said Morgenthau \$1,000 check was a part; that on October 12, 1912, during the campaign, William Sulzer further deposited currency amounting to \$2,500 and a check for \$1,000; and further on December 16, 18, and 28, 1912, he deposited \$5,100 in currency — All in said Farmers Loan and Trust Company.

Your Committee further reports that having received authentic information that William Sulzer had used campaign funds for the purpose of buying securities or speculating on margins in Wall street, some of them being carried on in the name of Frederick L. Colwell, a personal friend, as a dummy for Sulzer, it attempted to have produced the books of account of two brokerage firms in New York city, namely: Messrs. Harris & Fuller and Fuller & Gray; and also subpoenaed the said Frederick L. Colwell to testify.

That thereupon at first the firm of Harris & Fuller, or the members thereof, refused to produce their accounts with William Sulzer, and Melville B. Fuller, of said firm, refused to answer any questions as to said account, and in like manner Frederick L. Colwell refused to answer questions as to any account of stock

transactions relative to or connected with William Sulzer. It further appeared from the answers of said witnesses, their demeanor on the witness stand and from authentic information in the possession of the Committee, that they so refused to answer questions at the instance and request of Governor Sulzer and that Fuller had had an interview with Governor Sulzer in Albany after being served with the subpoena, at which interview it was demanded by Governor Sulzer and agreed that said Fuller should refuse to give any information respecting said account.

That thereafter the said Fuller was threatened with punishment for contempt by the Legislature, and finally appeared at a subsequent hearing, and produced a transcript of the account of William Sulzer, which account, for the purposes of keeping its existence secret from other customers of the firm was known, numbered and designated as account 63. This account shows that William Sulzer was carrying on margin in the said office of said brokers:

500 shares of C. C. C. & St. L. (Big Four) stock,
200 shares of American Smelters and
100 shares of Southern Pacific.

And that on January 1, 1912, while the said Sulzer was Chairman of the Foreign Affairs Committee in the House of Representatives, and a Member of said House he owed the firm of Harris & Fuller \$48,599.38 on said speculative account. It further appears that after his election as Governor the said Sulzer paid by deposits of cash or checks on his debt to said Harris & Fuller the sum of \$21,000, and we call attention to the fact that within two weeks after his election, on November 18, 1912, he paid them in currency \$10,000, and on December 16, 1912, he paid them in currency \$6,000, although none of these sums were drawn from the Farmers Loan & Trust Company. That in the month of June, 1913, Governor Sulzer was being continually requested by Harris & Fuller to make payment on account of his margins, which had become very weak and he was notified either to pay or take up the account and transfer it to some one else, with the result that on July 15, 1913, Lieutenant-Commander Louis M. Josephthal paid for the said Sulzer the amount then remaining due of \$26,739.21. That said Josephthal is a member of Governor Sulzer's military staff, being the only member of Governor Dix's staff who was retained by Sulzer.

There was further produced before your Committee under subpoena a certain account of Frederick L. Colwell, the friend and dummy of William Sulzer above referred to, with the firm of Boyer, Griswold & Company, brokers of New York City, wherefrom it appeared that on the 16th day of October, 1912, during the campaign, the said Colwell bought outright 200 shares of C. C. C. & St. L. stock, commonly known as Big Four, for the sum of \$12,025, and that said Colwell paid for said stock on that day with the following funds:

| | |
|--|-------------|
| Check of William Sulzer | \$900 00 |
| Check of Theodore W. Meyers..... | 1,000 00 |
| Check of John Lynn | 500 00 |
| Check of Lyman A. Spalding..... | 100 00 |
| Check of Edward F. O'Dwyer..... | 100 00 |
| Check of John W. Cox..... | 300 00 |
| Check of The Frank V. Strauss Company..... | 1,000 00 |
| Check of John T. Dooling..... | 1,000 00 |
| Currency | 7,125 00 |
| | <hr/> |
| | \$12,025 00 |
| | <hr/> |

The evidence further showed that the check of William Sulzer for \$900 was drawn on the Farmers' Loan & Trust Company account above referred to, and no one can doubt but that all of these checks were for campaign contributions, especially as Spalding testified that his check was given for that specific purpose, and that it went in with other checks contributed for campaign purposes by members of the Manhattan Club.

The Committee had produced before it another account for the purchase of 200 shares of Big Four stock from the firm of Fuller & Gray, paid for by \$11,825.00 in currency between the 21st and 31st days of October, 1912, during the campaign, this account being known as number 500, for the purpose of concealing the fact that the account belonged to William Sulzer; and this stock was delivered by devious ways to the dummy, Colwell, who met the messenger by appointment at the Nassau National Bank, in New York City.

This same Colwell, when again subpoenaed for another hearing, after having refused to testify as above stated, failed to ap-

pear when his name was called, and is now in contempt of the Legislature as is also the former confidential secretary of William Sulzer, Louis A. Sarecky.

The foregoing is a summary of the salient facts and evidence in relation to campaign contributions and the conversion thereof; and one of the most significant features of this evidence, aside from and in addition to the large checks received for campaign purposes and not accounted for in the sworn statement, is the large amount of currency which William Sulzer had and used, in the purchase or protection of stocks during the three months between the day that he was nominated and day he took office as Governor, namely:

| | |
|--|-----------------------|
| October 16, 1912, for the purchase of Big Four stock | \$7,125 in currency. |
| October 21 to 31, 1912, for the purchase of Big Four stock..... | 11,825 in currency. |
| October 8, 1912, deposited in the Farmers Loan & Trust Co..... | 1,400 in currency. |
| October 12, 1912, deposited in the Farmers Loan & Trust Co..... | 2,500 in currency. |
| December 16, 1912, deposited in the Farmers Loan & Trust Co..... | 1,100 in currency. |
| December 18, 1912, deposited in the Farmers Loan & Trust Co..... | 1,000 in currency. |
| December 28, 1912, deposited in the Farmers Loan & Trust Co..... | 3,000 in currency. |
| November 18, 1912, deposited with Harris & Fuller..... | 10,000 in currency. |
| December 16, 1912, deposited with Harris & Fuller..... | 6,000 in currency. |
| <hr/> | |
| Total currency between nomination and inauguration | \$43,950 in currency. |

Your Committee leaves to the Legislature the inference to be drawn from the possession and use of this currency.

During the time of these hearings and investigations William Sulzer, as Governor, has done everything in his power to withhold the truth and obstruct the production of evidence and the course of justice. At his instance and direction both Sarecky, his secretary, Colwell, his dummy, and Harris & Fuller, his

brokers, have refused to testify before the Committee. His influence in the promotion of Sarecky to an important and lucrative position in the State Hospital Commission as Deportation Agent — substituting an inexperienced young stenographer for an experienced physician in that position — could only be a reward for Sarecky's silence in protecting the Governor from damaging disclosures.

Governor Sulzer made a false public statement, when on July 30, 1913, he said that he was away campaigning and that he did not know of the campaign contributions omitted from his sworn statement. The Elkus check was endorsed by Sulzer personally and he acknowledged the letter of Elkus transmitting it as a campaign contribution.

We submit to the Legislature that it was false when William Sulzer swore that he had received only \$5,460 of campaign contributions and that he did so with full knowledge that he had received an amount many times that sum and had converted the same to his private uses; that he used contributions given to aid in his election for the purchase of stocks in Wall Street which he or his agents still hold; that he has been engaged in stock market speculations at the time that he, as Governor, was earnestly pressing legislation against the New York Stock Exchange which would effect the business and prices of the Exchange; and that there was evidence before this Committee to sustain a finding that as Governor he has punished legislators who opposed him by voting legislation enacted for the public welfare, and has traded executive approval of bills for support of his direct primary and other measures.

We submit to the Senate and Assembly that the facts above stated are sufficiently serious in character and are so violative of the laws of this State and the rules of fitness for and conduct in high office, that the public interests demand some action in reference thereto whether through the exercise of powers of the Legislature, or by referring the facts and evidence to other duly constituted officers charged with duties in respect thereof.

There is in the possession of this Committee further authentic information of other similar evidence in respect to the subject of this report, as strong in quality and in the large amounts involved as that on which sworn testimony has already been given.

This Committee, therefore, has not completed its investigation either on this subject or others covered by the resolutions under

which it is acting, but it has felt that the revelations set forth in this report and the testimony accompanying it should be brought to the attention of the Legislature at once without awaiting a final report either on this or other subjects.

The questions here involved are vital to clean government. They are above party or partisanship. They are vital to the citizens of the state and call for prompt and well-considered action. They call for an answer from Governor Sulzer, because both his obstructive tactics and his silence warrants the conclusion that the charges can neither be answered nor explained.

We recommend the punishment for contempt of Louis A. Sarecky and Frederick L. Colwell hereinbefore referred to: and we transmit herewith the record of the hearings with the testimony and exhibits.

Albany, N. Y., August 11, 1913.

Respectfully submitted by order of the committee,

THE JOINT LEGISLATIVE INVESTIGATING COMMITTEE,

JAMES J. FRAWLEY,

Chairman.

EUGENE LAMB RICHARDS,

Counsel.

MATTHEW T. HORGAN,

Secretary.

PROCEEDINGS

THE CAPITOL, ALBANY, N. Y.,

WEDNESDAY, *July 30, 1913.*

Pursuant to the call of the chairman of the committee, the committee met at 10.30 o'clock A. M.

Present:

For the Senate:

Hon. James J. Frawley, Chairman,
Hon. Felix J. Sanner.

For the Assembly:

Hon. Laverne P. Butts,
Hon. Myron Smith.

Appearances:

Eugene Lamb Richards, Esq., Counsel for the Committee.

Matthew T. Horgan, Esq., Secretary to the Committee.

The Chairman.— Whenever you are ready, Mr. Richards.

Mr. Richards.— Now, Mr. Chairman, we are ready to begin, if you are.

The Chairman.— Proceed.

Mr. Richards.— Is the gentleman from the Senate clerk's office here?

Mr. McArdle.— Yes.

Mr. Richards.— Take the stand, please.

Cornelius McArdle, a witness called by the Committee, having been first duly sworn by the Chairman of the Committee, testified as follows:

The Chairman.— You are connected with the Clerk of the Senate, and what is your full name, please?

The Witness.— Cornelius McArdle.

Examination by Mr. Richards:

Q. You are connected with the Clerk of the Senate of the State of New York? A. Yes, sir.

Q. Pursuant to subpoena, have you produced a message, the original message from the Governor at the extraordinary session, and also a bill introduced at the request of the Governor by Senator McKnight? A. Yes, sir.

(Witness produces papers referred to.)

Q. Are those the documents, the two documents, that you produced, the originals? A. Yes, sir.

Mr. Richards.— I offer those in evidence.

The bill was received in evidence and marked Exhibit No. 30, of this date. The said exhibit reads as follows:

“An act to amend the Penal Law, in relation to limitation of amounts to be expended by candidates for nomination or election.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section seven hundred and eighty-one of chapter eight-eight of the laws of nineteen hundred and nine, entitled “An act providing for the punishment of crime, constituting chapter forty of the consolidated laws,” is hereby amended to read as follows:

§ 781. Limitation of amounts to be expended by candidates for nomination or election. 1. The total amount expended by a candidate for a party nomination to public office at a primary election, including the expense of obtaining signatures to a designation petition, for any purpose tending in any way, directly or indirectly, to promote or aid in seeking such nomination, shall not exceed the following amounts:

For nomination for governor or United States senator, five thousand dollars; for nomination for any other elective state office, other than a judicial office, three thousand dollars; for nomination for the office of representative in congress, two thousand dollars; for nomination for the office of state senator, one thousand dollars; for nomination for the office of member of assembly, five hundred dollars; for nomination for any other public office one-half of the annual salary of such office, if the same be salaried, and otherwise an amount

equal to two dollars for each one hundred or major fraction thereof of the total number of votes cast in the political subdivision for all candidates for the office of governor at the last preceding state election.

2. The total amount expended by a candidate for independent nomination by certificate under the provisions of the election law for any purpose tending in any way, directly or indirectly, to promote or aid in seeking such independent nomination, shall not exceed one-half of the amounts herein prescribed for a party candidate seeking the nomination at a primary election.

3. The total amount expended by a candidate for election to a public office, including any expense incurred in securing a party or independent nomination to such office for any purpose tending in any way, directly or indirectly, to promote or aid in seeking such election, shall not exceed twice the amount prescribed by subdivision one hereof for such office.

4. The total amount expended by a candidate for election to a party position at an official primary, for any purpose tending in any way, directly or indirectly, to promote or aid in seeking such election, shall not exceed the following amounts:

For election as a member of the state committee, five hundred dollars; for election as a member of the county committee, fifty dollars; for election as a delegate or alternate at large to a national party convention, three thousand dollars; for election as delegate or alternate from a congressional district to a national party convention, one thousand dollars.

5. The total amount expended by a candidate for presidential elector, for any purpose tending in any way, directly or indirectly, to promote or aid in seeking his election, shall not exceed four thousand dollars.

6. Any candidate for nomination or election to public office, or for election to a party position, who shall expend for any purpose an amount in excess of the sum authorized by this section shall be guilty of a felony, (public office, voted for at an election, by the qualified electors of the state or any political subdivision thereof, for any of the purposes specified in section seven hundred and sixty-seven of this chapter, for

contributions to political committees, as that term is defined in section five hundred and forty of the election law, for any purpose tending in any way, directly or indirectly, to promote, or aid in securing his nomination and election shall not exceed the amount specified herein. By a candidate for governor, the sum of ten thousand dollars; by a candidate for any other elective state office, other than a judicial office, the sum of six thousand dollars; by a candidate for the office of representative in congress or presidential elector, the sum of four thousand dollars; by a candidate for the office of state senator, the sum of two thousand dollars; by a candidate for the office of member of assembly, the sum of one thousand dollars; by a candidate for any other public office to be voted for by the qualified electors of a county, city, town or village, or any part thereof, if the total number of votes cast therein for all candidates for the office of governor at the last preceding state election shall be five thousand or less, the sum of five hundred dollars; if the total number of votes cast therein at such last preceding state election be in excess of five thousand, the sum of three dollars for each one hundred votes in excess of such number may be added to the amounts above specified. Any candidate for a public office who shall expend for the purposes above mentioned an amount in excess of the sum herein specified shall be guilty of a misdemeanor.)

Sec. 2. This act shall take effect immediately."

The message of the Governor was received in evidence and marked Exhibit No. 31, of this date. The said exhibit reads as follows:

"STATE OF NEW YORK — EXECUTIVE CHAMBER

"ALBANY, June 16, 1913.

"*To the Legislature:*

"The Republican Party, in convention, last year, as a part of its platform, adopted the following:

'We favor the short ballot, surrounding primary elections with the same safeguards as regular elections, the direct election of party committees, the direct nomination of party candidates in congressional, senatorial, assembly, county and municipal subdivisions, and the direct election of delegates to State conventions, with the right of party electors to

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directly express their preference for nominations for State offices if they so desire.'

The Progressive Party, in convention, last year, as a part of its platform, adopted the following:

'We pledge the enactment of a real direct primary law applicable to every elective office and a Presidential preference primary law.'

The Democratic Party, in convention, last year, as a part of its platform, adopted the following:

'The Democratic Party was the first to recognize the demand for a State-wide direct primary and so declared in the Rochester platform of 1910, and the Democratic Legislature of 1911; despite Republican opposition, enacted the first State-wide direct primary law in the history of the State. We again declare in favor of the principle of the direct primary and we pledge our Legislature to adopt such amendments to the existing laws as will simplify and perfect the direct primary system.'

It must be apparent, to the average man, from a careful reading of these platforms, that the leading political parties, in our State, are irrevocably committed, by the most explicit promises, to the enactment of legislation for direct nominations. As a matter of fact, it seems to me, all the members of the present Legislature are instructed by these pledges, of their respective parties, and are, therefore, in duty bound by the highest political obligations, to vote for a State-wide direct primary measure.

In my message to the Legislature at the beginning of the year I said: 'We are pledged to the principle of direct primaries, State-wide in their scope and character, and I urge the adoption of such amendments as will simplify the procedure, and make complete and more effective the direct primary system of the State.'

As nothing was done, of material moment, in connection with this recommendation, and to carry out in good faith the pledges above mentioned, I again, in the early part of April, in a special message, urged the Legislature, in the interest of the general welfare, to hearken to the insistent demands of the people throughout the State for a direct State-wide primary law. Much to my disappointment, however, the Legislature adjourned without, in this respect, meeting the just expectations of the voters.

So a sense of public obligation made it my duty, in the interest of the common weal, to reconvene the Legislature in extraordinary session, to the end that the recommendations I have made to the Legislature for direct primaries can be considered, without further delay, and a bill passed for direct nominations which will fulfill party pledges. In response to the overwhelming sentiment of the State, I am convinced, we should do this as a matter of duty to our constituents.

The record will show that for years I have been a consistent advocate of direct nominations. I am now, always have been, and always will be in favor of carrying out, in letter and in spirit, the platform pledges of a political party. The best way to strengthen a political party is to keep good faith with the voters.

Hence, in view of all the circumstances, in connection with the struggle in our State for a law to give the voters the right to nominate, it is my candid opinion that the Legislature in this extraordinary session, without unnecessary delay, should give heed to its promises and immediately consider, and, with due deliberation, aid me to write upon our statute books a practicable and a comprehensive State-wide direct primary law that will faithfully carry out our pledges to the people.

Direct nominations will go far to restore to the people the complete control of their State government; and afford the voters of the State the freest expression of their choice of candidates for public office.

The voters believe themselves just as competent to directly nominate all officials as the delegates they select. They want this right to nominate because they have so often found the delegate system was not a faithful agency of their wishes, and that it not infrequently failed to meet the demands, and the expectations of the people.

All the arguments now used against the abolition of the convention, or the delegate system of nominations, have been used in opposition to the direct election of United States Senators, but these arguments have been all in vain against the ever rising tide of popular sovereignty and progressive democracy.

Let us be true to ourselves. Let us not try to deceive the people. The plain fact is, that in our primary reform legislation we, in New York State, have left off our work just where the citizens expected us to begin.

By not making our primary law apply directly to the nomination of State officers we have continued the delegate system in the particular field in which it has proven the most unsatisfactory to the people.

That the voters of our State are determined to have no intermediary between themselves and their public servants has been shown by the adoption of the seventeenth amendment to the Federal Constitution, under which the people have taken from the Legislatures of the States the right to elect Senators in Congress.

There are only two kinds of primaries — direct and indirect. The latter kind constitutes the present reactionary delegates system; the former kind constitute the progressive system which the people of our State now demand. I am for the direct system.

I want the people to nominate their officials because I want the people to rule their government. The people know that the power to nominate is the power to control. That is the reason the voters, regardless of party affiliations, favor direct nominations.

To have direct primaries and to have conventions of delegates is impossible. Direct primaries have been devised by the friends of good government to permit the voters in each political party to nominate their candidates for public office directly without the intermediary of delegates, and as, of course, you cannot have conventions without delegates, it follows, as the night the day, that the convention system must go, and honest direct primaries must come. There is no middle ground. There can be no compromise. Those who want to compromise are against the enrolled voters of their party. You cannot compromise a principle.

It is self-evident to me that if the voters are competent to directly elect all their public officials they are just as competent to directly nominate these same officials. Any assertion to the contrary is an indictment against the intelligence of the electorate of the State.

If it is important for minor officials to be nominated by

the people, it is still more important, it seems to me, that the people be given the power to nominate candidates for United States Senator and for Governor. If selfish interests seek to control public affairs for promotion of their selfish ends, through the manipulation of party conventions, the plain people should seek to do the same thing by taking in their own hands the right to nominate directly every one of these important officials.

The adoption of State-wide direct primaries, and the abolition of delegate conventions is in no sense an abandonment of the principle of representative government, but on the contrary it is a protest against the perversion of representative government.

Under direct primaries the people will govern themselves, through officials the same as now, but through officials directly nominated and elected by themselves. Representative government is only made actual when the power to name candidates is taken away from the few, and placed in the hands of all the enrolled voters of each political party.

The changes which the friends of direct nominations advocate in our primary law are in harmony with the spirit of the times, and will go far, in the opinion of sagacious men, to perpetuate our free institutions.

These salutary changes in our primary system aim to restore to the voters of each political party the rights which have been usurped by the few, for the benefit of powers invisible, which aim to control governmental officials, to pass laws, to prevent the passage of other laws, and to violate laws with impunity. To these invisible powers I am now, always have been, and always will be opposed.

No government can be free which does not allow all of its citizens to participate in the formation as well as the execution of its laws. Every other government is a mere form of despotism. The political history of the centuries clearly illustrates the truth that, under the forms of democratic government, popular control may be destroyed, and corrupt influences, through invisible political power, establish a veritable despotism.

If it is wise to trust the people with the power to nominate some public officials, I am sure it is just as wise to trust them with the power to nominate all public officials. I believe it

is as wise to trust them to nominate a Governor, as to trust them to nominate a constable; and as wise to trust them to nominate a supreme court judge as to trust them to nominate a justice of the peace. The men who trust the average integrity, the men who believe in the average intelligence, of the voter, know not where, consistently, to draw the line as to the officials all should nominate, and the officials the few should nominate. As a believer in popular sovereignty I am opposed to establishing a political dead line regarding this fundamental right of the people to nominate all of their public servants.

The people have been trusted with this power to nominate in many other States, and they have used it to bring about greatly improved conditions. Let the Empire State put itself in line with the foremost States in the Union, by favoring nominations by the people, for thus only can we secure a government of the people and by the people.

As convincing proof of the success and the popularity of State-wide direct primaries in other States, permit me to respectfully submit to the Legislature the following testimony of a few of the most distinguished citizens and public officials in our country.

United States Senator George E. Chamberlain, of Oregon, says:

The direct primary of Oregon has so far proved satisfactory to our people.

United States Senator Morris Shepherd, of Texas, says:

Our system of direct primaries in Texas meets with universal approbation.

William Hodges Mann, Governor of Virginia, says:

Our primary law is applicable to all State offices. Indeed we have been holding a primary for United States Senators for some time, and the Legislature has always elected the man selected by the people. I can say that the primary has worked well in this State.

Frank L. Houx, Secretary of State of Wyoming, says:

I consider our State-wide direct primary law one of the best laws ever placed upon our statute books. It eliminates "Boss Rule" that has heretofore prevailed in the nominating conventions and gives the people at large a voice in who the candidates shall be.

Governor Cox, of Ohio, says:

Our primary law applies to all State officers. I would feel that the fundamental principle of popular participation in government would be violated if all the State officers from the Governor down were not selected by popular choice.

United States Senator Gilbert M. Hitchcock, of Nebraska, says:

Our direct primary system, as far as it relates to the candidates for Senator or Governor, is an unqualified success.

United States Senator Henry F. Hollis, of New Hampshire, says:

The New Hampshire system of direct primaries certainly meets the expectations of the people. The politicians criticise the plan, but it works well.

United States Senator James E. Martine, of New Jersey, says:

'I feel justified in stating that our New Jersey direct primary system meets with the general approval of the public.'

David S. Crater, the Secretary of State of New Jersey, says:

'The direct primary law of this State applies to State, county and municipal offices; also to members of Congress. So far as I am able to determine, it seems to be satisfactory in every respect.'

Lee Cruse, the Governor of Oklahoma, says:

'Direct primaries are in operation in this State for the nomination of all State, county and municipal officers. It has given better satisfaction than the old convention system and there is no disposition to return to the old way. Oklahoma has been a pioneer in the matter of direct primaries, and has no reason to take backward steps along these lines.'

Governor Oswald West, of Oregon, says:

'The direct primary system in this State, obtains from constable to the United States Senator, including municipal officers. As a result of the law Oregon has

abolished the boss and has relegated a political machine to almost forgotten history. It is most satisfactory, and while the law which has been enacted by the people was given an overwhelming majority, I am confident that should the question be again submitted to them, they would endorse the law by even a greater majority than the first. I do not believe that the people of this State would revert to the old system of corrupt political methods under any consideration.'

Elliott W. Major, Governor of Missouri, says:

"Our law requires all candidates for elective offices to be nominated at a State primary. The law has operated well and has given satisfaction, and is the only way to give the people a fair chance to select the men whom they wish to represent them as party nominees. The people elect their public officers at the general election and the people are competent and qualified to elect their nominees, who in turn become their public officers. Of course, the would-be political bosses and certain corporate interests which meddle in politics are opposed to State primaries. It interferes with their manipulations and combinations. They wish to act as the guardians of the people and select their nominees for them. Let the people, by direct vote, select their own candidates. That is pure democracy, and in keeping with the ideals of a republican form of government. I am a strong advocate of the State primary law because it more nearly approaches the real rule of the people. I would rather trust the people than trust the men who, because of their selfish interests, think the people are not capable and should not be permitted to say who they wish for candidates. If you permit such fellows and interests to select your entries for you in the political race, you need not expect much in the end.

'I cannot understand upon what principle any one can oppose the people the exercising of their right to select nominees at a State primary election. Let the people do the selecting, and not a coterie who wish to act for the people. Our State has tried the law and has met the test, and has given entire satisfaction, and no

man in this State in public life would dare for a moment to advocate its repeal.'

Frank J. Donahue, Secretary of State of Massachusetts, says:

'Our law provides that all officers to be voted for at a State election shall be nominated by direct plurality vote in party primaries. This, as you will see, includes the direct nomination of United States Senators. It further provides for the direct election of members of the State committees of the political parties — not less than one from each Senatorial District. The State-wide direct primary law was adopted in 1911, and under it we have had two direct primaries. That its operation is satisfactory is admitted even by those who had vigorously opposed for years the passage of such a law by the Legislature. The fight for State-wide direct primaries in this State extended over several years, but finally so strong did the demand become that in 1911 the House passed the direct primary bill with only fifteen dissenting votes out of the two hundred and forty members, and it was passed in the Senate without a division.'

Governor Brewer, of Mississippi, says:

'Our law applies to all State officials. Taken on the whole I regard the primary law as satisfactory. There is no question in the world that by this method the wishes of the people are carried out, which cannot be said of the ordinary 'convention' method.'

United States Senator James K. Vardaman, of Mississippi, says:

'In Mississippi the direct primary law has served to put the government in the hands of the people rather than the bosses. It amuses the voter to study all economic and governmental questions and to realize that this is a government which derives all of its just powers from the consent of the governed. It has done more. It has made the voter feel his responsibility for the laws and to appreciate the real function of citizenship. Every State in this republic should provide for the election of every officer from Governor down by a direct vote

of the people. The nomination by primary is only an application of this universally beneficent system.'

W. C. Elliston, clerk to the Secretary of State of Kentucky, says:

'The Primary Election Law of Kentucky applies to all offices and the various officials, both State and county, are elected under its provisions. The law has been a success from every standpoint, and we think it is quite a step along progressive principles to elect our various officers under it.'

Governor O. B. Colquitt, of Texas, says:

'I was among the first to advocate a general primary election law many years ago. Formerly a few politicians would get together in precinct or mass meetings, elect delegates, and adopt resolutions committing the party to policies and candidates often not approved by the majority of the people. Our State-wide direct primary is infinitely better than the old system which it supplanted.'

Governor Francis C. McGovern, of Wisconsin, says:

'In regard to the operation of direct primaries in our State, it has cleaned up the Legislatures and given us different kind of men than formerly, more independent.'

Governor Luther E. Hall, of Louisiana, says:

'There is no prospect that the State of Louisiana will ever return to the Convention Plan of making nominations. Old-time politicians are now and then heard to decry the direct primary and to sigh for the convention, but this sentiment is not wide-spread and may be said to be negligible.'

Governor James F. Fielder, of New Jersey, says:

'In 1912 by further enactment amending our Primary Law, presidential electors were included with the result that there is no longer any convention held in the State of New Jersey for nominating purposes. Last year there was a preferential vote for President, and now all presidential electors as well as State, county and

municipal officers are nominated by the direct primary. The manner in which our laws have been amended from time to time until they finally include all elective officers in the State is the best evidence of their popularity.'

Governor George W. P. Hunt, of Arizona, says:

'In Arizona the Direct Primary Law is applicable to all elective State officials. I will say without hesitancy that the system of direct primaries applicable to all officers is immeasurably better than the old method of nominating by conventions.'

Charles H. Sessions, Secretary of State of Kansas, says:

'The Kansas law applies to all elective officers from United States Senator down to township trustee. The law works so well in regard to its application to nominations for all officers that no attempt, or even a serious suggestion, has been made to repeal it. What opposition there was to the enactment of the law has almost disappeared. Now and then a politician protests against it, but on the whole it is very popular with the people and it has come to stay.'

Governor Park Trammell, of Florida, says:

'The primary system has been in force for about twelve years, and has given almost universal satisfaction. Some four years ago in our Democratic primary a question was put before the voters as to whether or not a State convention was desired, it being the claim of the supporters of the convention that it was merely for the purpose of making a party platform. Many were of the opinion, however, that it was for the purpose of attacking the primary system. The vote was about five to one against the State convention. This expression indicated very conclusively how the people of Florida felt at that time relative to nominating by primary. The primary system has come to stay in this State.'

United States Senator Henry S. Ashurst, of Arizona, says:

'It is impossible to exaggerate the civic benefits which flow from a pure, sweeping, State-wide primary election law. The primary nomination which abolishes

the convention, eliminates the 'purchase proxy.' It destroys the secret caucus methods, and it guarantees to the plain citizen the same degree of potentiality as each and every other citizen possesses. Now and then, in the past, a Legislature, or a political convention, has been found on the bargain counter and purchased as so many oxen in the field, but it is impossible to purchase all the people.'

'In Arizona we have a state-wide primary law for the nomination of all candidates, including United States Senators, and while it might seem ungracious in me to praise the bridge which carried me over, I cannot refrain from observing that in Arizona, I, a poor man, with absolutely no income whatever except my small law practice, was enabled by means of the direct primary, where the people had the right to express their choice, to defeat the combined influences of the railroads, national banks, the smelter trust and every corrupt politician in the State, all of which interests confederated and combined in the hope of bringing about my defeat and electing a reactionary.'

'I mention this circumstance to show that a direct primary does not operate in favor of the rich man and against the poor man, for we frequently find the argument advanced that 'under the direct primary no one but a very rich man may enter the political field.' The very reverse is true. A poor man may enter the primary, and if he have ability, facts, courage and energy, he may canvass any of our largest and most populous states by the expenditure of a few hundred dollars, whereas, if he were required to go before a convention to obtain a nomination, a number of sinister private interests would be able to cohere, by means of purchased proxies and by means of secret caucus methods, control the situation.'

This unimpeachable testimony — and I could adduce much more — seems quite conclusive, and if any one tells us that a direct nominations law is not a good thing for New York, we can point to what other states have done through the agency of this beneficent reform as a refutation of the reactionary assertion.

No man fears direct primaries except a man whose character, and whose ability, and whose mentality cannot bear the searchlight of publicity. No man fears direct primaries, unless he wants to be the creature of invisible government rather than the servant of popular government.

Let me, therefore, renew my former recommendations, reiterate all that I have previously said, and again sincerely and earnestly urge the legislature to pass a direct primary bill that shall provide:

1. That all party candidates for public office shall be nominated directly by the enrolled party voters at an official primary — the official primary to be conducted by the State, and surrounded with all the safeguards of an official election — any violation of the official primary law to be a felony.

2. A State Committee of 150 members, one from each Assembly district, and a county committee for each county, to be elected directly by the enrolled party voters at the official primary.

3. All party candidates for public office to be voted for in the official primary must be designated by petition only, the same as independent candidates.

4. Every designating petition should contain the appointment of a committee for filling vacancies on the primary ballot.

5. Candidates to be arranged on the ballot under the title of the office. Order of arrangement to be determined in each group by lot, by the commissioners of election, in the presence of the candidates or their representatives. All emblems on the official primary ballot must be abolished. Names of candidates to be numbered. The voter to indicate his choice by making a separate mark before the name of each candidate.

6. The number of enrolled party voters required to sign a designating petition should be fixed at a percentage of the party vote for Governor at the last preceding election, except that for State offices the number should not exceed 5,000 enrolled party voters, of which 100 shall be from each of at least twenty counties.

7. The primary district should be made identical with the election district, and the primaries of all parties should

be held at the same polling place, conducted by the regular official election officers, just the same as an official election.

8. Each party to have a party council to frame a platform; such council to consist of the party candidates for office to be voted for by the State at large; party Congressmen and party United States Senators; candidates for the Senate and Assembly; members of the State committee; and the chairman of each county committee.

9. The time for filing independent nominations subsequent to the filing of party nominations should be increased from five days, as now provided, to fourteen or more days. The number of signers of an independent certificate of nomination should conform to the number of signers of a party designation.

10. Election of United States Senator by the people should be provided for in accordance with the recent constitutional amendment. Nominations for United States Senator to be made at the official primary in the same manner as for the office of Governor.

11. Registration days in the country should be reduced from four to two, and registration in the country should be by affidavit where voter does not appear personally.

12. Boards of elections in counties having less than one hundred and twenty thousand inhabitants should be reduced from four members to two, in order to decrease the expenses.

13. The use of party funds at primary elections to be absolutely prohibited, and made a felony.

14. The penal law should be amended limiting to a reasonable sum the amount of money that may be expended by a candidate, or any one on his account, for the purpose of seeking a nomination to public office, any violation of the same to be a felony, and make the nomination, if secured, a nullity.

15. Delegates and alternates from the State at large, and from congressional districts, to the National Convention should be chosen by the direct vote of enrolled party voters at the official primary.

Such a law, in my judgment, will substantially redeem our party pledges and meet the just demands of the enrolled party voters of the State. Any proposition less than this begs the whole question and violates the pledged faith of the several political parties to their voters in the State.

In this connection I deem it my duty, to say to the Legislature, that I have no pride of opinion regarding details and non-essentials in the construction and the enactment of this legislation. The assertion that I have said that my bill must pass without the crossing of a "t" or the dotting of an "i" is absurd, and without the slightest foundation in fact. I have had too much experience as a legislator to utter such narrow-minded sentiments. As a matter of fact, the truth is, I have no vanity of authorship, and want none. My struggle is for the essential principle of State-wide direct nominations. On that fundamental principle the friends of State-wide direct primaries declare that there can be no honorable compromise.

No one can be deceived as to my contention and as to my attitude. All I am seeking to accomplish is to write on our statute books, an honest, and a simple, and a practicable direct nominations law — State-wide in its scope and application — in order to carry out in good faith party promises. That is all. Can I be more fair and more reasonable?

Let us be honest about direct primaries, and keep our pledges to the people. At all events, as the Governor, I shall, and if the Legislature does not, the people will know the reason why.

WM. SULZER."

Mr. Richards.—I call the attention of the Committee to the fact that at the extraordinary session called by the Governor to consider more particularly primary legislation, at the request of the Governor a bill was introduced by Senator McKnight, Exhibit 30 of this date, which provides for certain limitation of expenditures of candidates and also for the reporting of expenditures of candidates; and that bill was before the Legislature in extraordinary session at the message of the Governor.

Is someone here from the Secretary of State's office?

Mr. Vogel.—Yes, sir.

The Chairman.—Your full name, please.

Mr. Vogel.—Carl Vogel.

Carl Vogel, a witness called by the committee, having been first duly sworn by the Chairman of the Committee, testified as follows:

Examination by Mr. Richards:

Q. You are employed in the office of the Secretary of State here at Albany? A. I am, yes, sir.

Q. Have you, pursuant to a subpoena, produced a certain original statement of receipts and expenditures filed and sworn to by William Sulzer, and filed in your office on November 14, 1912? A. I have.

(Witness produces papers.)

Q. Is that the original? A. Yes, sir.

Q. And also a statement from the William Sulzer Progressive League? A. Yes, sir.

Q. Are there any other statements filed on behalf of William Sulzer or of any committee representing him? A. There are not.

Mr. Richards.— I offer those in evidence.

Statement of William Sulzer Progressive League received in evidence and marked Exhibit No. 32, of this date. The said exhibit reads as follows:

“ STATEMENT OF TREASURER OF POLITICAL COMMITTEE.

Section 546 of the Election Law.

Section 546. Statement of campaign receipts and payments. The treasurer of every political committee which, or any officer, member or agent of which, in connection with any election receives, expends or disburses any money or its equivalent, or incurs any liability or its equivalent, shall, within twenty days after such election, file a statement setting forth all the receipts, expenditures, disbursements and liabilities of the committee, and of every officer, member and other person in its behalf. In each case it shall include the amount received, the name of the person or committee from whom received, the date of its receipt, the amount of every expenditure or disbursement, the names of the person or committee to whom it was made, and such expenditure or disbursement. Expenditures or disbursements in sums under five dollars need not be specifically accounted for by separate items, except in the case of payments made for account of or to political workers, watchers or messengers. The statement to be filed by a candidate or other person not a treasurer shall be in like form as that hereinbefore provided for, but in statements filed by a candidate there shall also be included all contributions made by him.

WILLIAM SULZER PROGRESSIVE LEAGUE,

NEW YORK COUNTY, NEW YORK CITY.

To the Secretary of State, Albany, N. Y.:

Pursuant to the provisions of section 546 of the Election Law, I, Levi C. Weinstock, treasurer of the committee representing the William Sulzer Progressive League Party in the county of New York do hereby report that the following is a statement of all moneys received, expended, disbursed, or liabilities incurred by said committee and of every officer, member or other person in its behalf in connection with the general election held in the county of New York on the 5th day of November, 1912, viz:

RECEIPTS.

| Date of Receipt. | Name of Person or Committee from whom received, when from Committee, give name of, and persons through whom received; | Amount Received. |
|------------------|---|----------------------|
| 1912. | | |
| Oct. | 16. Samuel A. Potter | \$15 00 |
| | 16. William Bagley..... | 5 00 |
| | 16. Peter Geoghagen..... | 10 00 |
| | 16. Bernard Nolan..... | 10 00 |
| | 16. John H. Quest..... | 5 00 |
| | 16. Henry Friedman..... | 10 00 |
| | 16. Fred Ackerman..... | 5 00 |
| | 16. M. A. Schulman..... | 10 00 |
| | 17. A. S. Aaronstammer..... | 10 00 |
| | 17. August Janssen..... | 125 00 |
| | 17. Myron Sulzberger..... | 15 00 |
| | 17. J. Osklag..... | 10 00 |
| | 18. Leo Greenebaum..... | 25 00 |
| | 19. Jacob Hellerstein..... | 25 00 |
| | 19. Robert Hatch..... | 10 00 |
| | 25. M. B. Lertig..... | 25 00 |
| | 25. A. G. Unhof..... | 15 00 |
| | 25. L. B. Weinstock..... | 50 00 |
| Nov. | 1. Jefferson M. Levy..... | 40 00 |
| | 4. Ben Fredinan..... | 10 00 |
| | 4. B. Sueskind..... | 10 00 |
| | 4. Abe Levy..... | 10 00 |
| | | <hr/> <hr/> \$450 00 |

EXPENDITURES, DISBURSEMENTS AND LIABILITIES.

| Date of payment. | Name of Person or Committee to whom made; when Com., give name of, and of person through whom made; | Amount. | Purpose of Expenditure. |
|------------------|---|-----------------|---|
| 1912. | | | |
| Oct. | 16. Meyer Wolff..... | \$5 00 | Postal cards. |
| | 20. Meyer Wolff..... | 21 80 | Stamps. |
| | 20. Meyer Wolff..... | 9 25 | Stationery. |
| | 20. Jos. J. Roth..... | 17 50 | Distribution of literature, etc. |
| | R. Gressman..... | 35 00 | Signs. |
| | J. Kupath..... | 4 45 | Electrical wiring on sign. |
| | 25. R. Gressman..... | 23 00 | Signs. |
| | 29. Manhattan Slide Co... | 17 50 | Lantern slides. |
| | 29. Meyer Wolff..... | 5 00 | Stationery. |
| | 25. Edward Ernst..... | 7 50 | Distribution of literature. |
| | 24. Alexander Potruck ... | 5 00 | Distribution of literature. |
| | 31. Jos. J. Roth..... | 17 00 | Distribution of literature. |
| Nov. | 2. Edward Ernst..... | 16 50 | Distribution of literature. |
| | 2. Alexander Potruck ... | 16 50 | Distribution of literature. |
| | 2. Meyer Wolff..... | 2 10 | Stationery. |
| | 6. Jos. J. Roth..... | 37 00 | Distribution of literature. |
| | 6. Meyer Wolff..... | 3 20 | Stamps. |
| | 5. Jos. J. Roth..... | 5 00 | Decorating and distributing. |
| | 2. Alex. Potruch..... | 2 50 | Literature Sewan Park meeting, stationery, etc. |
| | 2. Jos. J. Roth..... | 17 00 | Expenses and distribution of literature. |
| | 6. Meyer Wolff..... | 100 00 | Rent and electricity. |
| | 6. Morris Levine..... | 22 50 | Automobile hire. |
| | 6. R. Rosenthal..... | 4 00 | Wagon hire. |
| | 6. R. Grossman..... | 10 50 | Signs. |
| | 6. Royal Press..... | 5 75 | Printing. |
| | 6. Ed. Ernst, Jos. J. Roth A. Potruch and H. Lang..... | 31 60 | Distribution of literature and help. |
| | 6. Meyer Wolff..... | 5 00 | Sewan Park meeting, flags, etc., Sewan Park meeting. |
| | | <u>\$451 15</u> | |

Dated November 11, 1912.

LEON C. WEINSTOCK,
Treasurer.

Statement of William Sulzer received in evidence and marked Exhibit No. 33, of this date. The said exhibit reads as follows:

“STATEMENT OF RECEIPTS AND EXPENDITURES
OF A CANDIDATE FOR A POLITICAL OFFICE.

“Sections 750 and 776 of the Penal Law:

“§ 750. Definitions. The words ‘election’ or ‘town meeting,’ as used in any of the sections of this article, excepting section seven hundred and fifty-one, shall be deemed to apply to and include all general and special elections, municipal elections, town meetings and primary elections and conventions, and proceedings

for the nomination of candidates by petition under the election law. The word 'candidate' as used in said sections, shall be deemed to apply to candidates for nomination at a primary election or convention, and candidates for any office to be voted for under the election law, as well as candidates for nomination by petition under the election law.

“ § 776. Failure to file candidate's statement of expenses. Every candidate who is voted for at any public election held within this state shall, within ten days after such election, file as hereinafter provided an itemized statement showing in detail all the moneys contributed or expended by him, directly or indirectly, by himself or through any other person, in aid of his election. Such statement shall give the names of the various persons who received such moneys, the specific nature of each item, and the purpose for which it was expended or contributed. There shall be attached to such statement an affidavit subscribed and sworn to by such candidate, setting forth in substance that the statement thus made is in all respects true, and that the same is a full and detailed statement of all moneys so contributed or expended by him, directly or indirectly, by himself or through any other person, in aid of his election. Candidates for offices to be filled by the electors of the entire state, or any division or district thereof greater than a county, shall file their statements in the office of the secretary of state. The candidates for town, village and city offices, excepting in the city of New York, shall file their statements in the office of the town, village or city clerk, respectively, and in cities wherein there is no city clerk, with the clerk of the common council of the city wherein the election occurs. Candidates for all other offices, including all officers in the city and county of New York, shall file their statements in the office of the clerk of the county wherein the election occurs unless the county has a commissioner of elections, in which case candidates shall file their statements in the office of such commissioner of elections.”

Any candidate for office who refuses or neglects to file a statement as prescribed in this section shall be guilty of a misdemeanor. A county clerk or commissioner of elections with whom a candidate's statement of expenses is filed shall, within twenty days after the election, file a certified copy thereof with the secretary of state.

I, Wm. Sulzer, residing at 175 Second Ave., County of New

York, N. Y., do hereby make and file the following itemized statement of all moneys received, contributed or expended by me directly or indirectly, by myself or through any other person, as the candidate of the Democratic party for the office of Governor of the State of New York, in connection with the general election held in the State of New York on the fifth day of November, 1912.

RECEIPTS.

| Date. | Name of Contributor. | Amount. |
|-----------|----------------------------|---------|
| Sept. 23. | Herbert Friedenwald | \$10 00 |
| 2. | Hugo Gutfreund | 10 00 |
| 3. | Hugh Martin | 50 00 |
| 3. | Philip Matthews | 100 00 |
| 3. | J. Bittner | 50 00 |
| 3. | Luke D. Stapleton..... | 50 00 |
| 3. | S. R. Ellison..... | 25 00 |
| 3. | John F. Wallace..... | 100 00 |
| 3. | Harold I. Spielberg..... | 25 00 |
| 3. | Lawson Purdy | 100 00 |
| 3. | Andrew G. Vogt..... | 100 00 |
| 3. | Thomas F. Martin..... | 25 00 |
| 4. | W. D. Mann..... | 50 00 |
| 4. | William H. Todd..... | 50 00 |
| 4. | Ben Doblin | 5 00 |
| 5. | Gallagher & Co..... | 25 00 |
| 8. | Charles Brandt, Jr..... | 25 00 |
| 7. | C. H. Norman..... | 100 00 |
| 3. | S. T. Armstrong..... | 50 00 |
| 10. | M. J. Elias..... | 100 00 |
| 9. | P. H. Nolan..... | 50 00 |
| 7. | J. E. Nolan..... | 50 00 |
| 9. | Peter McDonnell | 250 00 |
| 7. | Jos. Hennessy | 25 00 |
| 9. | Geo. W. Wingate..... | 50 00 |
| 8. | Jas. C. McEachen | 100 00 |
| 10. | Hugh Daly | 25 00 |
| 11. | Frederick C. Penfield..... | 200 00 |
| 11. | John R. Dos Passos..... | 100 00 |
| 8. | Jas. A. McCafferty..... | 50 00 |
| 10. | William Barthmann | 50 00 |
| 11. | John F. Nagle..... | 50 00 |
| 14. | Thomas Willis | 25 00 |

| Date. | Name of Contributor. | Amount. |
|-------|------------------------------|------------|
| Sept. | 16. Nath H. Levi | \$25 00 |
| | 14. Hugo Haupt | 10 00 |
| | 15. Nelson Smith | 100 00 |
| | 15. J. W. Armstrong | 10 00 |
| | 15. A. F. Schaeffer | 40 00 |
| | 16. James F. Hurley | 50 00 |
| | 15. Geo. W. Neville.. | 50 00 |
| | 16. David Gerber | 150 00 |
| | 15. Wm. F. Carroll | 10 00 |
| | 14. Willis B. Dowd..... | 15 00 |
| | 10. MacGrane Coxé | 200 00 |
| | 10. Mr. Bauman | 50 00 |
| | 10. Wm. R. Penney | 50 00 |
| | 14. Lewis Conlan | 110 00 |
| | 19. Leo Schlesinger | 200 00 |
| | 19. E. Neufeld | 25 00 |
| | 18. R. J. Cuddihy | 50 00 |
| | 21. Chas. Friel | 10 00 |
| | 21. Wm. H. Miller | 250 00 |
| | 21. Roger Foster | 250 00 |
| | 23. W. E. Curtis | 100 00 |
| | 26. John B. Judson | 100 00 |
| | 23. John M. Gardner | 200 00 |
| | 25. C. H. Unverzagt | 25 00 |
| | 23. Charles Thorley | 100 00 |
| | 24. Henry Block | 100 00 |
| | 29. John F. O'Donoghye | 10 00 |
| | 30. John B. Gray | 50 00 |
| Nov. | 1. Louis F. Doyle | 100 00 |
| | B. D. Dugunji | 20 00 |
| | 2. Jos. W. Kay | 250 00 |
| | 2. Isaac Purdy | 250 00 |
| | 2. John Standfast | 25 00 |
| | 2. O. J. Gude | 100 00 |
| | 4. J. Jacobs | 500 00 |
| | | <hr/> |
| | | \$5,460 00 |
| | | <hr/> |

EXPENDITURES.

| Date. | To whom paid. | Amount |
|-----------------|---|-------------------|
| From Oct. 1 to | | |
| Nov. 5. | Post Office Dept. stamps, etc..... | \$1,635 65 |
| | Western Union & Postal Telegraph Co.. | 52 33 |
| | Henry Rogowski, printing..... | 2,947 95 |
| | Public Printer, Washington, D. C..... | 660 80 |
| | Sam Bruckheimer and assistant, steno- graphic work | 244 00 |
| | Whitehead & Hoag, campaign buttons.. | 970 05 |
| | Seiter & Kappes, lithographs..... | 133 00 |
| | The Hartley Company, lithographs..... | 150 00 |
| | Expressage, Adams, American and U. S. Ex. Co. | 68 61 |
| | Trows Addressing Company | 861 50 |
| Total | | <u>\$7,724 09</u> |

(Signed) WM. SULZER.

Dated, November 13, 1912.

STATE OF NEW YORK, }
 City and County of New York, } ss.:

Wm. Sulzer, being duly sworn, says that he is the person who signed the foregoing statement, that said statement is in all respects true and that the same is a full and detailed statement of all moneys received, contributed or expended by him, directly or indirectly, by himself or through any other person in aid of his election.

WM. SULZER.

Sworn to before me this 13th
 day of November, 1912.

ALFRED J. WOLFF,

*Commissioner of Deeds No. 72,
 New York City.*

Mr. Richards.— That is all, Mr. Vogel.

(Mr. Richards here read Exhibit 33.)

Mr. Richards.— I offer in evidence an original canceled check of Harold Spielberg to the order of William Sulzer for \$25

with certain endorsements on the back, and I ask to have that marked.

Check received in evidence and marked Exhibit No. 34, of this date.

Mr. Richards.—I will read the face of this check and then the endorsements, to the committee. On the face of the check (reading): "Harold Spielberg, New York, October 3, 1912, No. 577, The National Nassau Bank of New York, pay to the order of William Sulzer Twenty-five dollars (\$25) and no hundredths, Harold Spielberg." And the following endorsements (reading): "William Sulzer, Louis A. Sarecky, Pay to the order of National Bank of Commerce, October 8, 1912, Mutual Alliance Trust Company of New York." I think it says 35 Wall street. "Received payment through the New York Clearing House October 8, 1912, receiving teller, endorsements guaranteed, National Bank of Commerce in New York."

The Chairman.—Now, Mr. Richards, isn't that check accounted for in —

Mr. Richards.—(Interrupting) That check is, I call the committee's attention to, accounted for in the original statement as one of the contributions received by William Sulzer under date of the check for its amount. And it appears that the check went to Louis A. Sarecky and was by him deposited in the Mutual Alliance Trust Company, at 35 Wall street.

The Chairman.—What do you propose to prove by the check, Mr. Richards?

Mr. Richards.—I want to prove by that check that at least some of the contributions made and reported by William Sulzer went to the account of Mr. Sarecky, who was evidently the custodian of some of these contributions, and that he had an account for that purpose in the Mutual Alliance Trust Company, of 35 Wall street.

The Chairman.—All right.

Mr. Richards.—I now offer in evidence a check drawn on the National Bank of Commerce in New York to the order of Louis A. Sarecky, for \$2,500, and signed Kuhn, Loeb & Company, with certain endorsements on the back which I will read afterwards and certain other things on the face of it. I ask to have that marked.

Check received in evidence and marked Exhibit No. 35, of this date.

Mr. Richards.— I will read the whole of this check and the whole of the endorsements (reading):

“ No. 119755, Kuhn, Loeb & Company, New York, October 14, 1912. National Bank of Commerce in New York. Pay to the order of Louis A. Sarecky, twenty-five hundred dollars, \$2,500.00.

Kuhn, Loeb & Company.”

The endorsement is “ Louis A. Sarecky, Pay to the order of the National Bank of Commerce, October 15, 1912, Mutual Alliance Trust Company of New York.” Then there is another stamp, “ National Bank of Commerce in New York, Paid October 15, 1912, second teller.” Showing that this check went into the same account as the check of Harold I. Spielberg went to. I have further, on the corner of this check, in the handwriting of Mr. Jacob H. Schiff, the following endorsement: “ Mr. Schiff's contribution toward William Sulzer's campaign expenses.”

Is Miss Scott here?

(No response.)

Mr. Richards.— There was another witness who was subpoenaed, who is to come on the train, but who has not yet arrived, so I will call Mr. Louis A. Sarecky.

The Chairman.— What is your full name, please?

Mr. Sarecky.— Louis A. Sarecky.

Louis A. Sarecky, a witness called by the Committee, having been first duly sworn by the chairman, testified as follows:

Examination by Mr. Richards:

Q. Mr. Sarecky, where do you live? A. 516 Monroe street, Brooklyn.

Q. And are you connected with some of the departments of the State government? A. I am.

Q. What one and in what capacity? A. At present I am connected with the State Hospital Commission as deportation agent for the State of New York of the alien insane.

Q. And has your salary been fixed yet? A. That I don't know. I think it is \$4,000 a year, but I can't say definitely.

Q. That is the understanding, that you expect to have \$4,000 a year? A. So I have been informed.

Q. Who informed you to that effect? A. The secretary to the State Hospital Commission.

Q. Did you have any talk with Governor Sulzer about that? A. I asked him for the place.

Q. Yes, and did he say anything about what the salary would be? A. No, he said nothing; it never came up.

Q. You didn't bother about that? A. No, sir.

Q. How old are you, Mr. Sarecky? A. Twenty-seven year.

Q. Twenty-seventh year? A. That is, I am going on twenty-eight.

Q. And what is your profession? Have you any profession in particular, or have you some general occupation? A. Well, I am a graduate of a law school; I have been acting as secretary; I have been connected with various businesses.

Q. You have been connected with Governor Sulzer for some years, have you not? A. Since December, 1902.

Q. And in what capacities have you acted for Governor Sulzer? A. Well, I was an assistant around the office and finally in a sort of confidential secretaryship.

Q. Confidential secretaryship? A. Yes, sir.

Q. And then in addition to that, you acted as secretary and treasurer for some of the companies that Governor Sulzer was interested in, did you not? A. I think yes.

Q. There isn't any doubt about that, is there? A. Yes.

Q. But what is your position in those companies? A. Well, I don't want to answer that question on the ground that it doesn't come under the jurisdiction of the resolution adopted by the Legislature.

Q. Well, you mean to say that you refuse to answer the question? A. I do.

Q. And will you tell us what your compensation has been before you obtained this position which you say you are going to receive \$4,000 a year for? A. I was receiving \$2,500 a year.

Q. \$2,500 a year? A. Yes.

Q. Part of it salary for some of these corporations? A. No, sir.

Q. What was it for, as confidential secretary to Governor Sulzer? A. Confidential stenographer to the Governor.

Q. And you have occupied that position about how long? A. Since March fifteenth of this year.

Q. And the position as confidential secretary of the Governor,

how long have you occupied that position? I mean in his office before he was Governor? A. About 7 or 8 years, I guess.

Q. And did you act also in that same capacity for him as chairman of the committee on foreign affairs? A. I was his New York secretary.

Q. New York secretary? A. Yes.

Q. Did you have any separate salary for that position? A. No, sir, he paid me out of his pocket, out of his own pocket.

Q. And paid you in all \$2,500 a year? A. About that.

Q. About that? A. Yes — well, at that time. At various times I was increased to —

Q. (Interrupting) I am only just getting your own statement. A. Yes, the salary ranged from \$1,500 up to \$2,500.

Q. And you are — before you were in a position with the deportation bureau, what was your position then? What were you doing in any of the State departments in connection with any State work? A. Well, I was — I worked wherever I was assigned to by the Governor; I attended to matters in his office; then I was assigned to work with various people, making examinations and investigations.

Q. To whom, for instance, were you assigned? A. I was assigned to work with Mr. Hennessy.

Q. In connection with the investigation of the highways? A. Yes, sir.

Q. And when did that begin and how long did it last? A. I think it began sometime in April and ended — well, I don't know whether it is ended. I haven't done any active work recently.

Q. How long ago did it — did the active work end? A. About a month ago, I think.

Q. And since that time have you been connected with the deportation bureau? A. For about a week. I was appointed there on July 8th.

Q. And during that time you were practically not engaged actively in anything between June and July 18th? A. I was.

Q. Oh, you were? A. Yes, I was working for the Governor, in his office.

Q. You were working for the Governor in connection with his own work? A. In connection with State work in his department.

Q. As stenographer and clerk? A. As stenographer and clerk.

Q. And were you in that position of secretary or stenographer and clerk with the Governor in the fall of 1912? A. Yes.

Q. And did you have an account in the Mutual Alliance Trust Company? A. I did.

Q. And did you deposit checks which were received by Governor Sulzer and indorsed to you, in that account? A. Now, gentlemen, I want to make a statement on record before I testify further. If you are delving into the Governor's campaign expenses, I am willing to tell everything on condition that I be represented by counsel, because, if the story is to be told, I want both sides told—

The Chairman (interrupting): Mr. Sarecky, if Mr. Richards asks you any question that you feel you won't answer, you have a right to refuse.

The Witness: Well, I feel that the Committee has absolutely no authority at all to conduct the investigation.

By the Chairman:

Q. We don't want your opinion at all about the Committee.
A. Yes, sir.

Q. You are an employee in this State? A. I am.

Q. This is the Legislature elected by the people of this State and we won't ask your opinion or any other man's opinion of what the rights of the Legislature are. A. Right.

Q. If you don't desire to answer, Mr. Sarecky, I want you to state so plainly. A. And I will state the reasons.

Q. I don't want any reasons. Don't you want to answer? A. I will answer any question —

Q. (Interrupting) We don't want your opinion whether we have a right or not? A. Well, I have a right to my own opinion, and I want it.

Q. If you decide not to answer, we will take care of it. A. Whatever I refuse to answer I will give you reasons for refusing to answer.

Q. All right, do that; but we don't want any statements or speeches about what you think the Legislature has a right to do. A. It isn't what I think. It is what I have been advised by counsel.

Q. I don't care about your advice. A. Very well.

By Mr. Richards:

Q. I want to have you look at Exhibit 33, being the statement signed and sworn to by William Sulzer, and ask you whether you

drew that paper? A. I refuse to answer that question on the ground stated, that the Committee has no jurisdiction to question me on anything —

The Chairman.—(Interrupting) I told you before, Mr. Sarecky, either answer yes or no. We don't want any of your opinions.

The Witness.— I can't answer the question yes or no.

The Chairman.— Then you refuse to answer the question?

The Witness.— I refuse to answer the question unless I am represented by counsel.

The Chairman.— You refuse to answer the question, do you?

The Witness.— I refuse to answer the question unless I am represented by counsel.

Q. You say you cannot answer the question yes or no, whether you didn't do the typewriting on the paper Exhibit 33? A. I say I refuse to answer that question unless I am represented by counsel.

Mr. Richards.— Turn back to his answer. You say that you didn't say that you couldn't answer it yes or no.

(The stenographer thereupon repeated the question and answer referred to as follows: "The Chairman.—(Interrupting) I told you before, Mr. Sarecky, either answer yes or no. We don't want any of your opinions. The Witness — I can't answer the question yes or no.")

Q. Now, did you say that? A. Well, when I said that I meant that I won't unless represented by counsel.

Q. I show you Exhibit 34 of this date and call your attention to the handwriting on the back of it, Louis A. Sarecky, and ask you whether that is your handwriting? (Counsel passes paper to witness.) A. Well, I refuse to answer that question on the same grounds, unless I am represented here by counsel.

Q. I ask you whether or not you put upon the back of Exhibit 34 the name William Sulzer with a stamp? A. I refuse to answer that question, too, on the same grounds.

Q. Did you deposit Exhibit 34 in the account of the Mutual Alliance Trust Company? A. I refuse to answer that question, too, on the same grounds.

Q. I will ask you to look at Exhibit 33, containing a report of a contribution by Harold I. Spielberg, \$25, filed by William Sulzer, and ask you whether or not Exhibit 34 is not the check

for the amount stated in Exhibit 33? A. I refuse to answer that question too, on the same ground as my refusal to answer the previous questions.

Q. I ask you to look at Exhibit 35 of this date, a check for the amount of \$2,500 to the order of Louis A. Sarecky, deposited by Louis A. Sarecky apparently in the Mutual Alliance Trust Company, and I ask you whether or not your handwriting is not on the back of that check? A. I refuse to answer that question on the same grounds as I refused to answer the previous questions and request permission to have counsel represent me here.

Q. Did you have — did you keep books of account of the Governor's contributions? A. I refuse to answer that question on the same grounds as I refused to answer previous questions.

Q. What other bank accounts did the campaign contributions of William Sulzer go into besides the Mutual Alliance Trust Company? A. I refuse to answer that question too, on the same grounds as I refused to answer the previous questions.

Q. Did you take some checks for campaign contributions and deposit them over in a bank in New Jersey? A. I refuse to answer that question too, on the same grounds as I refused to answer the previous questions.

Q. Did you go over about every three days to a bank in New Jersey and deposit there some of the Governor's contribution campaign checks? A. I refuse to answer any questions appertaining to the Governor's campaign unless I am represented here by counsel because we want to have the whole story told.

Q. Where is the bank book? Where is the bank book which you kept with the Mutual Alliance Trust Company in October, 1912? A. I have got it.

Q. Where is it, with you? A. Not with me.

Q. Where is it? A. I have got it in my desk.

Q. You mean down in New York city? A. Yes.

Q. Have you got there also the books showing the contributions to the Governor's campaign fund? A. I refuse to answer that question on the same grounds as the previous questions.

Q. And what books did you keep of the Governor's campaign funds? A. I refuse to answer that question on the same grounds as I refused to answer all previous questions put to me.

Q. Where else, besides the Mutual Alliance Trust Company in the city of New York, what trust company or banks did you personally make deposits in for the — of the Governor's cam-

paign checks? A. I refuse to answer that question and all other questions appertaining to the Governor's campaign fund unless I am permitted to be represented here by counsel, who will bring out the whole story and not one side of it, and he will give me full opportunity to explain any items that may appear doubtful on the face of it.

Q. Who advised you to refuse to answer? A. My counsel.

Q. Who is your counsel? A. Mr. Louis Marshall.

Q. When did you first see Mr. Louis Marshall? A. I refuse to answer that question.

Q. Did you first see Mr. Louis Marshall in the Governor's house or in the Governor's executive chamber? A. I refuse to answer that question too. It is purely a personal matter.

Q. When were you served with a subpoena to appear here before this Committee? A. July 23d.

Q. When you got that subpoena what was the first thing you did? A. Put it in my pocket.

Q. Who did you communicate with? A. I didn't communicate with anybody until probably the following day when I notified Mr. Hennessy that I have been invited to come up here.

Q. You regarded it as an invitation? A. Yes, because I don't think I could be compelled to come up here.

Q. And had you then taken legal advice? A. Not then.

Q. When did you first take legal advice? A. Sometime between receiving the subpoena and my coming up here.

Q. Well, you got it Wednesday. Now, when was it you took legal advice? A. I can't answer any more definitely than sometime between that and my coming up here.

Q. You mean you can't tell us within a week? A. It was within a week because it was a week.

Q. You cannot tell us any nearer than within a week the day it was that you consulted counsel? A. No, sir; I can not.

Q. Where did you consult counsel? A. I refuse to answer that question. It is a purely personal matter between myself and counsel.

Q. Who recommended the counsel to you? A. Nobody did.

Q. You chose him yourself, did you? A. I did, yes, sir.

Q. You chose him yourself; you say that absolutely that nobody suggested any counsel to you? A. Well, his name was suggested to me as being a good counsel.

Q. Who suggested his name to you as being a good counsel? A. I refuse to answer that question, too.

Q. And how many times have you talked with the Governor since you got this subpoena? A. Well, I talk to him pretty nearly every day I am up here.

Q. Well, you were down in New York attending to the business of the State when you got this subpoena? A. Yes, I was.

Q. When did you come up here to see the Governor? A. I came up here yesterday.

Q. That was the first time you came up to see him? A. No. I was up here before then, not to see the Governor but to see the Secretary of the Hospital Commission, and incidentally dropped in to see the Governor.

Q. You came up on official business and then incidentally you went in and spoke to him? A. I did.

Q. Did you tell him about this subpoena? A. Yes.

Q. Did he tell you to refuse to answer? A. He did not.

Q. Did he suggest anything of that kind? A. No, sir.

Q. Do you tell that positively? A. I tell that positively.

Q. Was there a discussion about refusing to answer? A. There was a discussion about a subpoena.

Q. I am asking you whether there was any discussion about your refusing to answer? A. No, sir.

Q. No suggestion of that was made at any interview you had with the Governor? A. No, sir.

Q. Whom else did you see beside the Governor when you came up here as you say on business for the Hospital Commission? A. I saw Mr. Hennessy.

Q. Did you discuss with Mr. Hennessy your refusing to answer the subpoena? A. I did.

Q. Did Mr. Hennessy advise you not to answer the subpoena? A. He concurred in the opinion rendered by Mr. Marshall.

By the Chairman:

Q. Was Mr. Marshall the attorney who advised you? A. He was the attorney that advised me.

Q. Mr. Louis A. Marshall? A. I think it is Mr. Louis Marshall.

The Chairman.— Note that Mr. Louis Marshall is the attorney who advised the witness to refuse to answer.

By Mr. Richards:

Q. Where is Mr. Louis Marshall's office? A. In New York City.

Q. Where? A. I think on Wall street; 37 Wall.

Q. Don't you know where his office is? A. No, sir.

Q. Have you been to his office? A. Never.

Q. Where did you see him? A. I refuse to answer that question, too.

Q. Did you see him in Albany or New York? A. I refuse to answer that question.

Q. Was anybody present when you saw Mr. Marshall, excepting you and he? A. I refuse to answer that question, too.

Q. Did you see him uptown or downtown in New York, or did you see him in Albany? A. I refuse to answer any question as to where, when and who was present when I saw Mr. Marshall.

Q. I am not asking you for your communication with him. I am asking for the place of communication. A. Well, I refuse to answer that question. It is purely a personal matter.

Q. You cannot tell us where his office is? A. On Wall street; 37 Wall street, or 39.

Q. Are you sure of that now? A. No, I would not take an oath.

Q. Did you ever go there? A. No, I have had communications with him.

Q. When? A. On various occasions.

Q. Before this matter came up? A. Oh, yes. Long before this matter came up.

Q. Did you ever have a communication with him in regard to campaign contributions? A. No, sir.

Q. Do you say he did not give one? A. I refuse to answer that question on the ground previously stated, that I refuse to answer any question whatsoever pertaining to the Governor's campaign fund unless I am represented here by counsel.

Q. I am asking you now if in October, 1912, you did not get a check from Mr. Marshall for the Governor's campaign fund, a contribution? A. I refuse to answer that question on the same grounds.

The Chairman.—Mr. Richards, there is a lady here with some papers, brought by subpoena. Will you suspend with this witness for a few minutes?

Mr. Richards.—Yes. Will you just step aside a moment, Mr. Sarecky?

Mr. Sarecky.—Surely.

Mr. Richards.— Miss Scott.

Frances R. Scott was called as a witness, and having been duly sworn by the Chairman, testified as follows:

Examination by Mr. Richards:

Q. What is your full name? A. Frances R. Scott.

Q. Where do you live, Miss Scott? A. 601 West 115th street, New York city.

Q. Are you employed by Mr. Elkus, Abram I. Elkus? A. I am.

Q. In what capacity? A. Private secretary.

Q. And were you served with a subpoena to produce a certain cancelled check of Mr. Elkus for \$500 the day before yesterday?
A. I was.

Q. Have you produced that check? A. I have it with me.

Q. Will you kindly produce it? A. Yes (producing check).

Q. This is produced from Mr. Elkus' papers? A. yes, sir.

Q. From his cancelled checks? A. Yes, sir.

Mr. Richards.— I offer that in evidence.

(The check was received and marked Exhibit 36 of this date.)

Mr. Richards.— I will read the whole of this check to the Committee, both front and back.

On the front (reading):

"Abram I. Elkus, 170 Broadway.

No. 3749.

" NEW YORK, *October 5, 1913.*

" PLAZA BRANCH UNION TRUST COMPANY OF NEW YORK.

" Pay to the order of William Sulzer Five hundred and 00/100 dollars (\$500.00).

"Abram I. Elkus."

Indorsed (reading):

" WILLIAM SULZER."

Then (reading):

" Pay to the National City Bank of New York or order. The Farmers Loan and Trust Company. Augustus V. Healey, Vice President and Secretary."

Then another indorsement:

"Received payment through the New York — another endorsement (reading):

"Pay to any bank or to order. Prior endorsements guaranteed. October 9, 1912. The National City Bank of New York. A. Cavanaugh, Cashier."

That was the next bank, "To Farmers Loan and Trust Company." That is the endorsement, Mr. Chairman. Then last (reading):

"Received payment through New York Clearing House, October 8, 1912. Prior endorsements guaranteed. The National City Bank of New York."

Q. You were also asked to produce a copy of any letter written by Mr. Elkus in transmitting this check. Have you done so? A. I have; I have it here.

Q. Is this a copy of the letter? A. It is.

Q. From his files? A. Yes, sir.

Mr. Richards.— I offer this letter in evidence and ask to have that marked.

(The letter was received and marked Exhibit 37 of this date.)

Mr. Richards.— I read to the Committee Exhibit 37 of this date — (reading):

"HON. WILLIAM SULZER, 115 Broadway, New York City.

My Dear Friend.—I beg to extend to you my heartiest congratulations upon your well deserved nomination for Governor. I know you will make a most admirable candidate, and if elected will render most valuable service in the capacity of Governor to the State, just as you have rendered valuable service in all your public positions heretofore.

"I know congratulations are very pleasant and very nice, but a campaign to be successfully conducted requires something more than words; so I take great pleasure in enclosing my check for \$500 to aid in the expenses of your campaign.

"I shall be very glad to speak for you as often as my engagements with the National Committee will permit and take every opportunity to tell the people of our long standing friendship and the high regard in which all who know you hold you. I remain, sincerely yours."

Q. The original of that was signed by Mr. Elkus? A. I presume so.

Q. Have you a letter from William Sulzer acknowledging receipt of that? A. Yes (witness produced letter).

Mr. Richards.—I offer that in evidence and ask to have it marked.

(The letter was received and marked Exhibit 38 of this date.)

Mr. Richards.—I read this to the committee (reading):

“COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, WASHINGTON, D. C.

NEW YORK, *October 5, 1912.*

Hon. Abram I. Elkus, 170 Broadway, New York City:

MY DEAR COMMISSIONER.—Many, many thanks for the very kind letter of congratulations. I appreciate every word you say and all you have done.

With best wishes, believe me, as ever,

Sincerely your friend,

WILLIAM SULZER.”

Mr. Richards.—Thank you, Miss Scott, that is all.

The Chairman.—All right, Miss Scott, you are excused.

Mr. Richards.—Mr. Elkus is away, is he not?

The Witness.—Yes.

Mr. Richards.—Is he abroad?

The Witness.—Yes.

The Chairman.—The committee will take a recess for five minutes. We will ask counsel to appear and Mr. Sarecky, will you please remain here?

Mr. Sarecky.—All right.

The Chairman.—Before the committee leaves, is Mr. Marshall in the room?

(No response.)

The Chairman.—Is Mr. Louis Marshall in the chamber?

(No response.)

The Chairman.—We will now take a recess.

AFTER RECESS:

Louis A. Sarecky recalled.

Examination by Mr. Richards — Continued:

Q. Mr. Sarecky, it appears from evidence here that Mr. Abram I. Elkus made a contribution of \$500 to Governor Sulzer's campaign fund, by a check, Exhibit 36. I will ask you to look at Exhibit 36 and state whether or not Governor Sulzer's own endorsement is on that check. A. You better ask the Governor about that.

Q. Are you familiar with the Governor's handwriting? A. Yes.

Q. Can you tell us whether this is his handwriting or not? A. I am not an expert on handwriting.

Q. I am not asking you as an expert. How many times, hundred of times have you seen him write? A. Oh, I never counted.

Q. I will ask you to look at that and tell us whether that is his handwriting or not? A. You better ask him, to get a correct answer.

Mr. Richards.— I ask the Chairman to direct the witness to answer.

The Chairman.— Answer yes or no, Mr. Sarecky.

The Witness.— I don't know.

Q. You mean to say that you swear under oath that you don't know whether that is William Sulzer's indorsement? A. I cannot answer under oath that it is.

Q. I am asking you again, whether you say that you cannot swear that is William Sulzer's personal indorsement? A. I cannot swear that it is.

Q. Do you know the penalty for perjury? A. I do.

Q. You realize it, do you A. I do.

Q. And that you are under oath? A. I do; but I cannot swear that is a man's signature. The best way to get that evidence, if you will permit me, is to ask the man who signed it, or presumably did.

Q. I show you Exhibit 38 and ask you whether that letter was signed by Governor Sulzer? A. Well, that is not the same signature as appears on that check.

Q. Did you sign it or did Governor Sulzer sign it? A. I don't know. I did not sign it.

Q. You did sign his name — A. I said I did not.

Q. You did sign his name depositing — A. I said I didn't —

Q. And you did sign his name to the indorsement of checks other than those that went into the Mutual Alliance Trust Company, didn't you? A. I did at times.

Q. Now, did you sign that one on Exhibit 36? A. I refuse to answer that question.

Q. Exhibit 36 was deposited in the Farmers Loan and Trust Company. Did you make that deposit? A. I have often made deposits for the Governor. I cannot remember whether I made this particular one.

Q. You are sure you made deposits in the Farmers Loan and Trust Company, but you cannot remember this? A. I cannot remember any particular one.

Q. Is that right? A. That is right.

Q. How long had he deposited in the Farmers Loan and Trust Company? A. You better ask that of the Governor himself.

Q. Don't you know that yourself? A. I don't. I have been only with the Governor ten years.

Q. Has he had it during all those ten years? A. I cannot answer. I think he has. I am not sure, though, about that.

Q. And from time to time you did deposit checks in that account to his order? A. Yes, when he was out of town or away.

Q. I ask you again to state whether or not the handwriting on Exhibits 36 and 38 are all the same person or not? A. Well, as I say, I am not an expert on handwriting and I cannot tell.

Q. Do you remember this check that Mr. Elkus sent in for a campaign contribution? A. I refuse to answer any questions pertaining to the campaign expenses of the Governor unless I am represented here by counsel so that the whole story may by both sides and nothing may be discolored.

Q. You haven't told any part of the story yet. A. I have not and I don't intend to unless I am represented by counsel so that the whole story may be told.

Q. In addition to checks coming in every day there was cash coming in, was there not? A. I refuse to answer that question on the same ground.

Q. Every day during October didn't cash come in in envelopes? A. I refuse to answer that question on the same grounds as I have previously stated.

Q. Every morning, in the morning's mail, didn't there dozens of letters come in enclosing checks and enclosing cash even down to so small an amount as \$2? A. I refuse to answer that question on the same ground as I have refused to answer all previous questions relating to Governor Sulzer's campaign fund.

Q. Did you ever report any of those campaign funds? A. I refuse to answer that question on the same ground as I have refused to answer all previous questions pertaining to the Governor's campaign fund.

Q. I ask you now to look at Exhibit 33 and tell us whether any of the amounts that are set forth there, aggregating \$5,460, represent cash? A. I refuse to answer that question on the ground stated in answer to your previous questions, that anything relating to the Governor's campaign fund, any question asked by you I refuse to answer unless you permit me to be represented by counsel, in order that the whole story may be told.

Q. I thought you might be willing to tell about this, as you say you did make it up. A. I don't say whether I made it up.

Q. Didn't you make it up? A. I don't say whether I did or did not. I refuse to answer that question.

Q. You refuse to answer that? A. Yes.

Q. The largest amount that is reported on the statement filed and sworn to by William Sulzer is \$500, November 4th, J. Jacobs. Can you tell me who J. Jacobs is? A. I don't know. I really don't know who —

Q. Did you ever inquire what he looks like or where he lives? A. I don't know. I really don't know.

Q. Wasn't that originally Jacob S.? A. Jacob who?

Q. Jacob S. Fill out the rest of the name for me. Wasn't that originally Jacob Schiff and didn't you — A. Wait a minute —

Q. Now, listen. A. Just a minute —

Q. Didn't you change it? A. I want to say one thing. I am going to waive what I previously requested permission to be represented here by counsel, to answer that one question: That does not relate to Mr. Jacob Schiff nor anybody connected with him.

Q. Who is this J. Jacobs; tell me where he lives and what he looks like? A. I don't know.

Q. You made up this statement? A. I don't say I did. I refuse to answer that question.

Q. How do you know if you did not make up that statement that J. Jacobs was not Jacob Schiff. A. I know because we did not falsify any records. We had nothing to conceal and if that check was intended for Jacob Schiff his name would appear on there.

Q. You had nothing to conceal when you got \$2,500 to your own order without passing through the Governor's endorsement. Do you still tell us you had nothing to conceal? A. What is your question.

Q. You just said you had nothing to conceal. Do you mean to stick to that when I show you this check for \$2,500 that went to the Mutual Alliance Trust Company? Do you mean you had nothing to conceal there? A. Absolutely nothing.

Q. Why don't you tell about it? A. On the grounds previously stated unless I am permitted to be represented by counsel I refuse to answer, so that I may tell the whole story and not have it discolored.

Q. Not to have it discolored. Can't you tell it in black and white? A. Under the circumstances you bring out what you desire, and if I am permitted to have counsel I will answer, but otherwise I will not answer any questions pertaining to the Governor's campaign fund.

By the Chairman:

Q. What do you mean by discoloring? A. I mean when an attorney is questioning a witness he naturally wants to bring out his side of the situation and a witness might get rattled and make statements under oath which he ordinarily would not make; and unless I am advised here by counsel, unless I am permitted to have counsel to see what questions are legitimately asked of me, I refuse to answer any questions at all.

The Chairman.—Do you desire to put any more questions?

Mr. Richards.—I might ask him this:

By Mr. Richards:

Q. You are not rattled now, are you? A. Presumably not, no.

By the Chairman:

Q. What do you mean by discoloring; do you mean that the Committee or counsel have harassed you in any way? A. No; I mean to bring out one side. No, sir—

Q. Has the committee endeavored to embarrass you in any way? A. No, sir.

Q. Or discolor your story? A. No, sir; I haven't told the whole story.

Q. Then you refuse to furnish to the Committee any evidence whatsoever? A. Unless I am permitted to be represented by counsel, Mr. Chairman.

The Chairman.—Now, Mr. Richards, what further questions do you desire to ask the witness?

Mr. Richards.—I think that is all as far as this witness is concerned. Until we can pursue our inquiries further we might suspend with this witness, and I recommend —

The Chairman.—Before you suspend, the committee desires to recommend to you to proceed immediately and draw papers and present them to the court to punish the witness for contempt, he being an employee of this State and refusing to answer the Committee of the Legislature, designated by the Legislature of this State in these proceedings; and we request you now to immediately draw the papers and go before the court if you can this afternoon to ask for the order of arrest of this witness.

Mr. Richards.—Very good, sir.

The Chairman.—You will remain subpoenaed in this town, until some action is taken, Mr. Sarecky.

Mr. Sarecky.—Very well, Mr. Chairman. That all?

The Chairman.—That is all to-day.

(Witness excused.)

The Chairman.—Is there any other witness? I understand that Mr. Hennessy has some other matters to attend to, and if you can call him now or let him go —

Mr. Richards.—Mr. Hennessy can go for to-day.

James M. Clancy was called by the Committee as a witness and being first duly sworn by the Chairman, testified as follows:

Examination by Mr. Richards:

Q. Mr. Clancy, where do you live? A. 466 East 140th street.

The Chairman.—Mr. Richards, I may also state, though I suppose you recognize the need, that you ought to issue a subpoena for Mr. Louis Marshall.

Mr. Richards.— Yes, Mr. Chairman.

Q. New York City, do you live? A. Yes, that is my home. I am now residing at Sing Sing Prison, in Ossining.

Q. And you are the Warden of Sing Sing Prison? A. I am, yes, sir.

Q. How long have you been there? A. Since the 9th or 10th of July.

Q. And you have had a great deal of trouble there since you have been Warden, have you not? A. You are correct, sir.

Q. And you have made statements with regard to the cause of the trouble? A. I am sorry to hear you say that, sir.

Q. Have you not? A. I have not.

Q. You have not. That is what I wanted to know, whether you had made statements to any one in regard to the cause of the troubles. A. I have made statements. I might correct that, I have made statements.

Q. Have you ever spoken to any representative of the New York World as to the cause of your troubles? A. I have, yes, sir.

Q. We are to investigate and anything that you have got, any evidence that you have, we want to know it. A. Haven't you had too much experience to hold a man responsible for anything that the papers say. Your worthy Chairman would not be here if he were held responsible for what the papers say.

The Chairman.— Never mind whether I would be here or not.

The Witness.— You know yourself that is a fact.

The Chairman.— We don't want that. If you didn't make this statement, then deny it.

The Witness.— What is the statement?

Q. This is the heading of the New York World, July 25, and I first ask you whether you made this statement in substance — A Is it quoted?

Q. It is quoted apparently. This is what it says: (reading) "Sing Sing trouble inspired by enemies. Warden James M. Clancy," — that is the heading, subheading, I will let you look at it and you can look it over — "Warden Clancy, who assumed his duties as head of Sing Sing prison July 10th, by appointment of Sulzer, says, "The convicts are running the prison. Persons

opposed to the present administration inspired the trouble in the last few days. Warning of the trouble came ten days ago from a man in Albany and warning has been received of more serious trouble still. Prisoners knew of Attorney-General's opinion on the appointment of prison superintendent Riley before the arrival of Governor Sulzer's telegram informing the Warden." I will first ask you whether you made those statements to anyone, either to a representative of the World or anyone else? A. Where is this read from?

Q. Right here — (Indicating) A. Who did you understand to be running the prison, the convicts?

Q. I — A. Wait a moment. You must answer this "The convicts are running the prison."

Q. Now, Mr. Clancy — A. Wait a moment. You misunderstand.

The Chairman. — Just a moment. Answer the question.

The Witness — You want to ask me about the question, "The convicts are running the prison?" Do you understand that to mean —

The Chairman — Kindly answer Mr. Richards.

Q. I want to tell you — A. I want to tell you what that means.

Q. I asked about the first part of that statement. A. Wait a moment. You had better understand it. I will take up each one. Take the sentence, "The convicts are running the prison."

Q. I will give you every opportunity to explain it. A. Be fair.

The Chairman. — If you are not able to answer a fair question don't answer.

The Witness. — I will waive any question you ask.

Q. Did you say you did make that statement? A. I made the statement, "The convicts are running the prison."

Q. Yes. A. Now, I want to explain. I did not mean that the mutinous men were running the prison. I meant that the well-behaved convicts were running it, doing clerical work. That is what that meant. That is what it means.

Q. That is what it meant? A. That is what it meant, positively.

Q. You mean that they were running it well? A. Now, wait a moment, I mean the convicts were operating the prison; in other words, the convicts were doing the clerical work and running the machinery and were running and operating the prison. They were

running and operating the prison. Not the civilian help, it was the convict help that were running that prison.

Q. You mean they ran it? A. I positively meant that.

Q. That is what you meant? A. Yes, sir.

Q. That is your statement from your observation? A. That is my statement of my observation, limited as it is, but it is positively true, too.

Q. You simply meant by that that these convicts were doing the clerical work here and were also doing the work of the prison?

A. Yes, sir.

Q. You think that is a good thing? I don't think anything of the kind.

Q. You don't like it? A. I am going to correct that if I can.

Q. That is the first statement. That is what you meant by that. The next is, "Persons opposed to the present administration inspired the trouble in the last few days." A. I deny it.

Q. You did not make that statement? A. I deny it.

Q. That is not true? A. I am not stating it is not true. I did not make that statement. When I make it publicly I will be prepared to prove it.

Q. That statement you did not make? A. Positively not.

Q. The next paragraph (reading): "Warning of the trouble came ten days ago from a man in Albany and warning has been received of more serious trouble still." Did you say that? A. That is not just what I said.

Q. What did you say? A. I said I had been in conference with the warden of another institution and he prophesied that I would have trouble down there. He asked me if I had any trouble down there and I said no. He said you can expect it.

Q. Then you did not intend to mean by that — A. I didn't say that I did not intend to mean anything by that, because I did not say that. This was nothing more than the prophecy of this man.

Q. That is of that man? A. Yes, of that man.

Q. The next one, "Prisoners knew of Attorney-General Carmody's opinion on the appointment of Prison Superintendent Riley before the arrival of Governor Sulzer's telegram informing the warden." Did you make any such statements? A. How could I make it. That was made months before I went up there. How did I know that?

Q. I am not — A. Well, I did not make it.

Q. Nothing of the kind, you made no statement of that kind?
A. I did not make that.

Q. Did you make any statement of that kind? A. I would have no knowledge of it. He was appointed months before I went in there.

Q. So, with the exception of this statement, "the convicts are running the prison," and that following, that there would be trouble, necessarily trouble, that is all there is that is correctly and fairly reported? A. By the way, you see, that is not in quotations either.

Q. But that part here (indicating)? A. That is not in quotations.

Q. That is put in quotations here, the same thing. Look it over. A. Where is it? Show it to me in quotations.

Q. Don't hurry. Take your time. A. I am not hurrying. You are the one that is hurrying.

Q. Now, look it over. A. You see it is not the same thing at all.

Q. Read that. A. The one, saying the convicts are running this institution, that does not mean the mutinous convicts. That means the capable and qualified clerical help.

Q. That is when you wanted some information or help you had to go to the — A. To a convict to get it.

Q. Here is your statement, "This afternoon I heard about attorney general Carmody's opinion" — Don't look over the front page, look at the quotation. A. Here it is. It is not the same thing at all. That is what I am telling you. That is about superintendent Riley. That is not about the legality of the appointment.

Q. Read that. A. I did say that.

Q. Do you say there is any similarity or no similarity between the way you are quoted in the — A. I am not quoted on this at all.

Q. What does that seem to be there (indicating)? A. I would say that they would put quotation marks around a quotation in a newspaper.

Q. Sing Sing trouble — A. When a newspaper wants to quote a man they put it in quotations.

Q. Then I refer to this quotation, which you say is all the information you gave to the World? A. Don't you assume there is no similarity between two things, the one you asked on first and this one?

Q. Well, read it there. (Reading) "Prisoner knew attorney general Carmody's opinion in the matter of the appointment of superintendent Riley before I received the telegram which Governor Sulzer sent me on the same subject." A. That is not so to this extent, Governor Sulzer did not send any telegram but I did hear on the inside of the prison of the opinion before we were officially notified or, so far as I know, before our office was advised.

Q. Then you think there is some more difference between that one and the front? A. Can't you see it?

Q. A prisoner knew — you mean the warden? A. No, I am the warden.

Q. An official? A. An official.

Q. Will you give us the name of that officer? A. I could not name ten out of ninety-eight.

Q. Will you give us something whereby we can identify him and bring him here? A. I doubt if I could.

Q. Then you can — A. Do you mean to tell me you doubt what I am telling?

Q. I am not bothering about it. A. There is not a single —

Q. This Committee, warden, is from Missouri. We want to be shown. A. This Committee is not from Missouri.

Q. We are from the State of New York? A. They are not from the State of New York either.

Q. I will read again, "This afternoon I heard on the inside of the prison the news of attorney general Carmody's opinion in the matter of the appointment of prison superintendent Riley before I received the telegram which Governor Sulzer sent me on the same subject. A. That is not true, to the extent that Governor Sulzer ever sent me a telegram.

Q. Well, with regard to the part about hearing on the inside of the prison. A. That is positively true.

Q. That is true? A. That is true.

Q. When did you get that news from some man on the inside of the prison? A. Some time before I officially received it in the office.

Q. When was it received in the office? A. I could not tell you that.

Q. What was the date of receipt? A. I could not tell you that.

Q. What did it cover? A. I will tell you a remarkable coincidence in connection with it.

The Chairman.— Answer the question.

The Witness.— Now, let me tell you —

By the Chairman:

Q. You doubt this Committee's authority, don't you? A. What?

Q. You made the statement that you doubt this Committee's authority. A. I never said anything of the kind.

Q. I want you to answer the questions. A. You said I doubted the authority of the Committee.

Q. If you don't want to answer Mr. Richards, you have the same privilege as Mr. Sarecky. A. I won't exercise any such privilege. I know I have the privilege. I want to answer the questions.

Q. Never mind that, answer them. A. I am surprised that the Committee —

Q. Never mind about being surprised with the Committee. It is not your prerogative to feel surprised with the Committee. If you don't desire to answer you may refuse to do so? A. I want to answer all the questions, but I want to say here that —

Q. We don't want any speech. We want to get through. A. You are making the speech.

By Mr. Richards:

Q. You said something about a coincidence or something which would enable you to fix the date when you heard of the decision and the Committee wants to know who was this keeper who told you of the decision. A. Yes, I will tell the Committee. That opinion was rendered when we wanted to move some prisoners to Auburn. The Comptroller would give us no money to pay the fares of the officers or convicts. I got in touch with the New York Central and obtained permission from them to transport the prisoners, they taking a chance whether that would ever be made legal, and from that can fix this record.

Q. What relation did that bear to your receipt of the opinion? A. After the statement of the New York Central that they would give us money to move the prisoners, the next day or the same day I went to New York.

Q. Was that the day when you heard of the Attorney General's opinion? A. I think it was, but we are not going to fix it.

Q. The day that you got permission from the New York Central was the day you heard from one of the keepers? A. It was pos-

sibly the day before, or that day I got permission from the New York Central I was informed by a clerk in the New York Comptroller's office attached to prisons that I would be committing a felony. I said I would contract anyway, and take a chance on the felony.

Q. You think it may have been the very day? A. That is possible. I am not saying that day or the day before.

Q. It may be the day you got word? A. Yes.

Q. This keeper spoke to you? A. It is possible. It might have been an hour before, but shortly before it was officially received at the office.

Q. It was some period of time, but you don't know whether it was a day before or an hour or two before? A. That is right.

Q. Didn't it make some impression on your mind, such a statement as that, that some one of your keepers got information of the attorney-general's action on an important matter before you got it? A. Did that make any impression on me?

Q. Yes. A. It made this impression, it bore out everything that I had been told, of the information that I had been told —

Q. Wait a minute. That is not the question. A. You wait a minute —

Q. I am not asking you for the impression. I am asking you if it did make an impression? A. It did, and I will tell you why.

Q. I want to get the facts, so we can get somewhere and see how that happened, if it did. You get what I want? A. I will tell you right here —

Q. I don't want that. I want to know if it did make an impression? A. There is not a man in the prison does not know that information comes around that way; it is inconceivable and incredible, but it happens nevertheless.

Q. I would like to know and find out how it was, you being a new man there and with all these troubles on your shoulders and this feeling which you say, that there was some question of expecting trouble. A. I did not say anything of the kind. Please don't put words in my mouth.

Q. Well, you didn't have that feeling? A. I am denying that.

Q. You didn't have that feeling? A. I didn't say that I —

Q. Did you have that feeling? A. I say no, I didn't.

Q. This was an important proposition with regard to the management of the prisons, the discipline and so forth, and it would be a serious thing for you if people got information before you got it officially? A. Yes.

Q. Do you mean to tell me that in an important matter like that, that you did not pay any attention as to who the man was that got that information? A. Not the slightest. I will tell you why I did it. I went to the Superintendent of Prisons and I told him that would have to stop.

Q. You went to him. Where was he? A. In Albany.

Q. You came to Albany? A. Not precisely on this thing. I came up to make a report as to conditions. I said I want to fix the responsibility for this information getting into the prisons, and it comes from your office—

Q. The Superintendent of Prisons? A. I said the information comes from your office and it gets to our keepers and the prisoners before it gets officially to me. Superintendent Reilly says, "That has been the complaint of every prison man from time immemorial."

Q. Then this information—it was practically admitted by Superintendent Reilly that this advance information came from his office? A. Just a moment. That was in relation to the draft but I covered the whole subject. Every man in the prison knew that we would have a draft from Albany long before it was officially reported in the warden's office.

Q. Then what you have got in the paper, this statement— A. I haven't got it in the paper.

Q. —that is true, there was a leak somewhere? A. That is right.

Q. So it leaked to your employees before you got it? A. I don't—

Q. And you didn't investigate that leak? A. Did I say that?

Q. I am asking you? A. I did, yes.

Q. What did you do to investigate? A. You don't want me to tell my investigation. I will tell you of the result of my investigation.

Q. What did you do? A. I refuse to answer you on the subject of the investigation.

Q. You have some men you investigated and you won't tell who they are, you won't give their names? A. I have some investigation under way and will show the results.

Q. We want to know those things. A. You won't know.

Mr. Richards.—I will leave it to the Chairman.

The Witness.—Have you that right, to know what I am investigating?

By the Chairman:

Q. What is the nature of the investigation? A. Into the cause of the whole troubles. I have even called in the district attorney of Westchester county. Do you want me to go on and tell what we have done and what we have got?

By Mr. Richards:

Q. All we are after is information. A. That is all I am after.

Q. If you will give me those names confidentially it shall not reach the press, so that I can call those men: You can write them on a slip of paper or hand them to the Chairman and leave it remain in the hands of the Committee. A. I tell you what to do, get in touch with the district attorney.

By the Chairman:

Q. This is a private investigation of these persons? A. Yes, sir.

Q. Which pertains to them, in regard to the discipline of the institution? A. Positively.

Q. We don't want — A. You can get in touch with the district attorney.

Q. We don't want that. You needn't go any further. If you wait, you needn't have any embarrassment at all.

By Mr. Richards:

Q. You are not able to give the names of anybody? A. I am able, but I don't want to, and I don't think you want it.

Q. You are on the record a little different than that.

The Chairman.— You want the name of the man who gave the information first hand of what the Attorney-General's opinion was?

Mr. Richards.— Yes.

By the Chairman:

Q. Can you answer that question? A. I do not know that I can pick him out. I am not going to.

Q. Do you refuse to do that? A. I do.

The Chairman.— That is all.

The Witness.— You don't want it.

By Mr. Richards:

Q. I just want to know. I think you want to be fair, but you are on the record here as saying that you don't know his name. A. I said I didn't know the names of ten out of ninety-eight people.

Q. Didn't you intend to give the impression that you did not know the man? A. Know the man? I don't know his name now.

Q. Know the man. I want to have it clear on the record. Didn't you intend to give me the impression that you did not know the man? A. I didn't intend to give any such impression.

The Chairman.—As long as Mr. Clancy refuses to answer, and if he knows the man, then the Committee will find a way.

By the Chairman:

Q. Mr. Clancy, as to your own personal investigation at the present time, I do not think we want to know that. We don't want to embarrass you in clearing up a bad situation, but if there is a man under your jurisdiction who has information to give to the papers previous to the Attorney-General handing it out from his office, that is a fault which we want to find out? A. I did not say he gave it to the newspapers.

Q. We did not say you did. He didn't.

Q. As I understand from your answers —

Mr. Richards.—Mr. Clancy gave some of this and it may have been changed or altered.

The Witness.—I have found that the information gets into the prison before it gets into the main office, and that is the condition I want to correct. I am trying to correct it.

Q. That is what we are trying to do, and we are asking you to help us. If a condition is existing now in the Attorney-General's office whereby a subordinate gives out information in regard to an opinion — we are not holding that as true or not — but if information is being given out in the Attorney-General's office ten days or a week or something of the kind before that is officially transmitted to you, we want to know that. A. I said possibly a day or an hour. I didn't say anything about ten days.

Q. I didn't say you did? A. I didn't say that.

The Chairman.—As I understood the witness' answer, he said the information was received in the prison before it officially came from the Attorney-General's office.

Mr. Richards.—Mr. Clancy thinks it comes from the office of Superintendent of Prisons, not the Attorney-General.

The Witness.—The information is frequently given out from the Superintendent's office in Albany, is given to the newspapers,

and the first knowledge I have of it — for instance, the last draft, the first knowledge we had of that we got from the prison, I mean the inside.

Q. I understand what you mean. A. I complained of that the other day. I told the Superintendent of that the other day, and I think it ought to be corrected.

Mr. Richards.— That is all.

(Witness excused.)

Committee adjourned to July 31, 1913, at 10:30 a. m.

COUNCIL CHAMBER, CITY HALL,

NEW YORK, *August 6, 1913.*

10:30 a. m.

Pursuant to adjournment the Committee convened at 10:30 o'clock a. m.

Present:

For the Senate:

Hon. James J. Frawley, *Chairman,*

Hon. Felix J. Sanner,

Hon. Samuel J. Ramsperger.

For the Assembly:

Hon. Myron C. Smith,

Hon. Wilson R. Yard.

Appearances:

Eugene Lamb Richards, Counsel for the Committee.

Matthew T. Horgan, Secretary to the Committee.

Mr. Richards.— Mr. Chairman, we are ready to proceed now, if you are.

The Chairman.— I desire now, to have you read this letter and have it spread upon the record. Also the answer to that letter.

(The Chairman passes papers to counsel.)

The Chairman.— I might say this letter has already received publication through the press, but it is not a part of our records.

I therefore desire to have it spread upon the records, and after the answer to that letter, inviting the Governor.

Mr. Richards.— I read first the letter received by the chairman, headed:

“C. F. Murphy, 305 East 17th Street.

“NEW YORK, *July 31, 1913.*

“THE HON. JAMES A. FRAWLEY, Senate Chamber, Albany, N. Y.:

“DEAR SIR.— This morning's statements report Governor Sulzer as saying that ‘large contributions from contractors, the office holders, the special interests, and prominent Democrats interested in the campaign were made through the bagman direct to Mr. Murphy.’

“These insinuations are untrue. If Gov. Sulzer has any information as to misconduct on my part relating to campaign contributions I request him to furnish it to your committee, and I will appear for examination at any time.

“Yours truly,

“(Signed) CHARLES F. MURPHY.”

I read the reply to that letter as follows, signed by the Chairman:

“August 6, 1913.

“HON. WILLIAM SULZER, Executive Chamber, Albany, New York:

“SIR.— There has been addressed to the Chairman of this Committee a letter from Mr. Charles F. Murphy, as follows:

“‘305 East Seventeenth Street.

“‘NEW YORK, *July 31, 1913.*

“‘THE HON. JAMES J. FRAWLEY, Senate Chamber, Albany, N. Y.:

‘DEAR SIR.— This morning's papers report Governor Sulzer as saying that “large contributions from contractors, the office holders, the special interests, and prominent Democrats interested in the campaign were made through the bagman direct to Mr. Murphy.’

“‘These insinuations are untrue. If Gov. Sulzer has any information as to misconduct on my part relating to campaign contributions I request him to furnish it to your committee, and I will appear for examination at any time.

“‘Yours truly,

“‘(Signed) CHARLES F. MURPHY.’

" This letter puts at issue a public statement made by you with reference to campaign contributions to others than the State Committee and yourself.

" This Committee invites you to appear before it and to furnish it at once with any such information in your possession, together with the names and addresses of any witnesses, who can give sworn testimony in support of your charge, in order that the matter may be probed to the bottom, and so that if any such evidence is furnished Mr. Murphy may be called before the Committee.

" Yours very truly,

" JAMES J. FRAWLEY,

" *Chairman.*" ;

Mr. Chairman.— Before proceeding with the evidence, I would like to spread upon the record a telegram which was sent yesterday by me after a consultation with — to the Reverend O. R. Miller, 61 State street, Albany N. Y. It is as follows (reading):

"August 5, 1913.

REV. O. R. MILLER, *The Reform Bulletin*, 61 State street,
Albany, New York:

" The Joint Legislative Investigating Committee at its sessions this week in New York will hear any sworn testimony you may give on the alleged charges that certain senators approached improperly a person or persons regarding a bill affecting mercantile agencies. We also request the names and addresses of any witnesses who will testify to their knowledge respecting the same. Wire answer to Eugene Lamb Richards, counsel, 15 William street, New York city.

" JAMES J. FRAWLEY,

" *Chairman.*"

I want to say to the Chairman, that so far I have received no reply to that telegram.

Mr. Chairman, at the last session of the Committee in Albany, on Wednesday of last week, the day of the hearing of the Committee, and the production of certain evidence with regard to campaign contributions made to Governor Sulzer, Governor Sulzer issued a statement stating in substance that the matter of his campaign contributions would seem — had been attended to by other persons, and also in substance that he was busy away from the city of New York when the campaign contributions were received.

In view of that statement which he gave to the press last Wednesday, which I have described, Mr. Chairman, published and issued from the Executive Chamber, the substance of which I have, I think, fairly quoted, I wish to have spread upon the record the former statement of Governor Sulzer made within a few days after he was nominated, and before he entered upon the campaign a statement which was made by him at the Democratic headquarters, and appeared in all the papers of the city of New York.

First, on the evening of October 7, 1912, and in the morning papers of October 8, 1912, and I quote from of the papers showing substantially the same statement. They are in all of the papers of those dates. This is from an evening paper of Monday, October 7, 1912. It is headed, "Sulzer visits Headquarters." And it begins (reading): "Representative William Sulzer visited Democratic Headquarters at the Fifth Avenue Building to-day to talk with Chairman McAdoo and Senator O'Gorman." Then follows some description, and then comes this statement:

"I am going to follow the state road to Albany, that is, through the people. If I go to Albany, it will be by that straight road. I trust the people and the people trust me, and I am going out to talk to them, and I will have no campaign manager, no collector of funds and no publicity agent."

The same, in substance, was stated, as I said, in all the press of the following morning, October 8, 1912. This is taken from one of the morning papers of the City of New York, and it is headed:

"My headquarters are under my hat."

Because he has no use for a campaign manager or money collector. Will appeal direct to the people. This is in quotation:

"My Headquarters are under my hat," said William Sulzer. I never had any use for a campaign manager, or a campaign money collector, and I shall not have any use for them during this canvass. I shall deal with the people direct."

And another one, simply as a specimen, containing this general statement authorized by him, taken by the Press, evidently correctly in which he says, in another morning paper:

"Governor William Sulzer, Democratic nominee for Governor, called at Democratic National Headquarters yesterday to talk over the situation. There would be special

headquarters for him, Mr. Sulzer said, but he would join the headquarters of the Democratic State Committee, at No. 1 West 34th street. And in the past campaigns, he added, with a smile, he would have no manager, publicity agent or collector."

It was also stated in the formal statement of the Governor on last Wednesday that he was away. The reason that he did not know of the two particular contributions that were proven on last week, Wednesday, of Mr. Elkus and Mr. Schiff, was that he was away campaigning. And I offer in evidence the itinerary of Mr. Sulzer of the State Committee showing that he was here in the City Committee until the 18th day of October, and I call the Chairman's attention that upon the record it appears the Elkus check was sent and received on the 5th of October, and the Schiff check on the 14th of October. And I want to offer this itinerary in evidence so that it may be a matter of record.

The Chairman.—Mark that.

(The paper offered in evidence was marked Exhibit No. 42, of this date).

The Chairman.—Do you desire that spread upon the record?

Mr. Richards.—I would not desire to have it spread upon the record, but I desire to have it introduced in evidence. That is the best evidence of the trip. The dates show in this paper, if the Chairman, please, that he went on the 18th of October, was gone for the 18th and 19th, which was Friday and Saturday, and came back on the Sunday following, which was the 21st of October, and started on the trip up State, returning on October 30th, or 31st, remained here until the campaign closed.

Now, a little out of order, in order to satisfy the convenience of a witness, Mr. Chairman I wish to call Mr. Gordon.

Alexander Gordon was called as a witness, and being duly sworn, testified as follows:

Examined by Mr. Richards:

Q. Mr. Gordon, what is your full name? A. Alexander Gordon.

Q. And you are a lawyer? A. I am.

Q. And a member of the firm of — A. The firm of McCoombs, Ryan & Gordon.

Q. Of which firm the Honorable F. McCoombs, the Chairman of the National Democratic Committee, is the senior member?
A. That is correct.

Q. You are familiar with Mr. McCoombs' handwriting? A. I am.

Q. And have you produced under a subpoena a certain check or piece of paper which I show you? A. I have.

Q. And will you state whether or not you obtained that from the files of the papers of Mr. McCoombs? A. I obtained that from the files of Mr. McCoombs, William F. McCoombs.

Q. Are you familiar with the handwriting of William F. McCoombs? A. I am.

Q. Does this check, or paper, which I show you signed by him, signed in his own handwriting? A. That check is in his own handwriting.

Q. It is? A. Yes, sir.

Mr. Richards.— That is all, Mr. Gordon. Very much obliged.
(Witness excused.)

Mr. Richards.— I offer in evidence this paper which has been identified by the witness.

(The statement was received in evidence and marked Exhibit 43 of this date.)

Mr. Richards.— I read this check, Mr. Richards, for the record (reading):

“NEW YORK, October 9, 1912.

Guarantee Trust Company of New York:

Pay to the order of William Sulzer five hundred dollars (\$500).

William F. McCoombs.”

Endorsed with a rubber stamp, “William F. Sulzer, L. A. Sarecky.”

The first endorsement is: “Pay to the order of the National Bank of Commerce, October 11th, 1912. The Mutual Alliance Trust Company of New York, 35 Wall Street.

The next endorsement: “Received payment through New York Clearing House, October 11, 1912. Receiving Teller. Endorsement guaranteed. National Bank of Commerce of New York.”

And I call the Chairman's attention and the attention of the

Committee that this was on October 9th, the day after this authorized interview which I have just read from the papers with regard to personal campaign contributions, the statement made at National Headquarters.

The Chairman.— What did you say that was, Mr. Richards?

Mr. Richards.— That was on the 7th.

The Chairman.— A rubber stamp?

Mr. Richards.— A rubber stamp, "William Sulzer." Then, in handwriting "L. A. Sarecky."

Is there anybody here, an officer of the Mutual Alliance Company?

Mr. Hornby.— Yes, sir.

Mr. Richards.— Will you kindly take the stand?

Frederick H. Hornby, called as a witness, being duly sworn, testified as follows:

Examined by Mr. Richards:

Q. Where do you live? A. I live at Jamaica, Long Island.

Mr. Richards.— So that it may be perfectly clear as we go along, I want to call the Chairman's attention that this check for \$500 is not in the statement sworn to by William Sulzer, verified November 13, 1912, and which was put in evidence at the hearing in Albany.

Q. And are you connected with the Mutual Alliance Trust Company? A. I am.

Q. In what capacity? A. Assistant-secretary.

Q. And were you served with a subpoena, or your company served with a subpoena to produce certain records and papers? A. Yes, sir.

Q. Have you got that subpoena with you? A. Yes, sir.

Mr. Richards.— I offer this subpoena in evidence, the subpoena of the Committee which calls for the production of the following papers:

"All original letters, journals, cashbooks and other books of entry showing the account of Louis A. Sarecky, with the Mutual Alliance Trust Company of New York from the first day of September, 1912, to the first day of January, 1913, showing all

deposits in and the payments out of said account; also all deposit slips filed with deposits to said account in said Trust Company between said dates; and also all letters or communications in writing addressed to said company relating to giving any information on the subject of said accounts of Louis A. Sarecky at any time."

Mark that, please.

(The subpoena was received in evidence and marked Exhibit 44 of this date.)

Q. In pursuance of that subpoena, have you produced certain papers? A. I have.

Q. And what have you produced in answer to that, generally? A. I have produced as a matter of convenience, a certified copy or transcript of the account during the period named by you in your subpoena, from September 1, to January 1, 1913.

Q. And you have done that in place of the books? A. Yes, sir.

Q. Because, of course, your company is using the books constantly, and of course, they ought to remain at the office? A. Yes, sir, exactly.

Q. As a matter of convenience, you communicated with the Chairman, did you not, and he gave you permission to file a sworn transcript in place of the actual books? A. We have.

Q. Referring to this paper, Mr. Hornby, on the left hand side, does that include deposits on the left hand side, and the payments out on the right hand side? A. On the right hand side of the paper are the credits.

Q. Yes. These are the payments out, these deposits in the account? A. These deposits in the account; the other side, on the left hand side are separate items paid by us against the account.

Q. Yes. Exactly, and then on the right hand side are the deposits? A. Exactly.

Q. The credit account, and on the left hand side are the debtor accounts, the one that you have charged against this account? A. Yes, sir.

Q. Will you just tell us — are you able to tell us here what the balance was in the account on October 1, 1912? A. I should say from putting down the two columns to that point — (indicating) —

Q. Yes. A. To that date on each side, and subtracting, you could find out what the balance is.

Q. We would have to figure out ourselves. I thought possibly you could tell us right out? A. No.

Q. You have also produced certain deposit slips, have you not? A. I have.

Q. Are those all the original deposit slips of deposits on this account for the period which you have been called upon to produce? A. They are.

The Chairman.—Do you want to offer those, Mr. Richards?

Mr. Richards.—Yes, I want to have those marked. I offer these in evidence, and then I will examine the witness about that later.

(The slips referred to are received in evidence and marked Exhibit 45 of this date.)

Q. Just look at that and see if you want to verify those figures? A. I would say that was right.

Mr. Richards.—The witness says on October 1st, the date of the Democratic Convention at Syracuse, the balance in the account of Louis A. Sarecky was \$190.05.

Q. And excluding the items after November 7th — no, after November 14th, will you just tell us how much was deposited between the first day of October and the 12th day of November? A. The total?

Q. From the first day of October, and including the 12th day of November, a week after the election, what was the amount that was deposited, the total amounts deposited between those dates in the account of Louis A. Sarecky? A. The total amount of deposits in the account of Louis A. Sarecky between the first day of October and the 12th day of November, inclusive, was \$12,405.93.

Q. You find under date of a deposit slip which has been offered in evidence on October 15th, a credit of \$2,500, do you not? A. Yes, sir; I do.

Q. Can you state by looking at the check which I show you, Exhibit 35, what date that was credited? A. That check was credited to the account of Louis A. Sarecky on October 15th.

Q. That is the date of the deposit slip, is it not? A. Yes, sir.

Mr. Richards.—That is the check of Mr. Schiff, Mr. Chairman, that has been referred to.

Q. I ask you to look at Exhibit 43 and the deposit slip of October 11, 1912, and state whether or no that check was not

credited to the account of Sarecky on the 11th of October, that is the check of William F. McCoombs for \$500? A. Yes.

Q. That is the last item in that deposit slip of October 11th? A. Yes, sir; the check was credited to his account on that day.

Q. Now, have you produced any other papers in answer to that? A. I have.

Q. What other papers have you produced? A. (Witness produces paper.)

Mr. Richards.— I offer in evidence the following letter headed: "Committee on Foreign Affairs, House of Representatives, Washington, D. C."

Then there is a number — it says on the corner: "Sixty-second Congress, William Sulzer, New York, Chairman."

The letter is headed as follows:

"EN ROUTE, *October 22, 1912.*

"MUTUAL ALLIANCE TRUST COMPANY:

"GENTLEMEN.— This is to inform you that I have authorized my private secretary, Mr. Louis A. Sarecky, to endorse my name to any checks donated to my campaign fund and to deposit same to his credit.

"Very truly yours,

"WILLIAM SULZER."

Mr. Richards.— Mark that, please.

(The letter was received in evidence and marked Exhibit 36 of this date.)

Q. Any other papers that you have got there? A. That letter is our authority, which we would like to retain in our files, subject to your call at any time. I have prepared a certified copy to answer the same purpose for your investigation.

Mr. Richards.— Yes. That, of course, should be very satisfactory, and I suggest that this one copy produced by the witness be substituted in place of the original, with the understanding that the original can be obtained by this Committee at any time.

The Chairman.— All right, grant it.

(The substituted copy was received in evidence and marked Exhibit 46 of this date.)

Q. Are there any other letters or papers relating to this account? A. That was all the correspondence we were able to find in our files. We have had proper search made by the clerk, and that is all that has been located.

(Witness excused.)

Mr. Richards.— Mr. Simon, will you take the stand, please.

Robert E. Simon was called as a witness and being duly sworn, testified as follows:

Examination by Mr. Richards:

Q. Mr. Simon, where do you reside? A. 320 West 87th street.

Q. And are you connected with the corporation of Henry Morgenthau & Company? A. Yes, sir.

Q. What is your position? A. Vice-president.

Q. Vice-president, and Mr. Morgenthau is in Europe now, is he not? A. Yes, sir.

Q. And he has been away for some time? A. Yes, sir.

Q. Were you subpoenaed to produce a certain check of Mr. Morgenthau's to the order of William Sulzer? A. Yes, sir.

Q. Have you produced it? A. Yes, sir.

Q. Will you please let me have it? A. (Witness hands check to counsel.)

Q. You are familiar, of course, with the signature of Mr. Morgenthau? A. Yes, sir.

Q. And the paper that you have produced or the check, is signed by Mr. Morgenthau, is it not? A. Yes, sir.

Q. In his handwriting? A. Yes, sir.

Mr. Richards.— I offer that check in evidence.

(The check was received in evidence and marked Exhibit 47 of this date).

Q. You have produced this from the papers of Mr. Morgenthau, or from the papers of your office? A. The papers of Mr. Morgenthau in our office.

Q. His personal papers? A. His personal papers, yes.

Mr. Richards.— I want to read this check and the endorsement,
Mr. Chairman.

The Chairman.— Proceed.

Mr. Richards.— (Reading): "No. 1344,

New York, October 5th—”

That is the date of the Schiff check — no, the date of the Elkus check. Excuse me,— “1912.

Guarantee Trust Company of New York,
28 Nassau street.

Pay to order of William Sulzer one thousand dollars (\$1,000).

H. MORGENTHAU.”

And on the back of this check in handwriting, “William Sulzer.”

Then, this endorsement, “Pay to the National City Bank of New York or order. The Farmers Loan & Trust Company. Augustus V. Healey, Vice-president and Secretary.”

Then, underneath that, “Received payment through the New York Clearing House October 8th, 1912. Prior endorsement guaranteed. The National City Bank of New York. A. Cavanaugh, Cashier.”

Q. Mr. Simon, will you leave this with the committee to be returned on demand? A. Yes, sir.

Mr. Richards.— Thank you, very much. That is all.

(Witness excused.)

The Chairman.— I would give Mr. Simon a receipt for that.

Mr. Richards.— Mr. Horgan, the Secretary of the Committee, will give you a receipt.

Mr. Simon.— Thank you.

Sarah McKenzie was called as a witness, and being duly sworn, testified as follows:

Examination by Mr. Richards:

Q. Where do you live, Miss McKenzie? A. Yonkers.

Q. And are you connected with firm of J. Lynn & Company, the John Lynn Company? A. Yes.

Q. Is John Lynn abroad? A. Yes.

Q. Were you subpoenaed to produce a check of Mr. John Lynn, or of the firm to the order of William Sulzer? A. I was.

Q. Have you produced it? A. (Witness produces paper.)

Q. Are you familiar with the handwriting of Mr. John Lynn on the check? A. Yes.

Q. And that is his handwriting? A. Yes.

Q. This is not one of the regular checks? A. Not one in his regular bank book, no.

Q. Not one in his regular bank book? A. No.

Q. And his business address is 48 Bond Street? A. Yes.

Mr. Richards.— I offer that check in evidence.

(The check was received and marked Exhibit 48 of this date.)

Mr. Richards.— I will read that to the Committee. I want to emphasize the fact, although, of course, it is a fact, that the thousand dollar check from Mr. Morgenthau is not in the statement from Mr. Sulzer. This check reads on its face as follows:

“NEW YORK, *October 10th, 1912.*

“GUARANTEE TRUST COMPANY, NEW YORK.”

That is filled in in handwriting.

“Pay to the order of William Sulzer five hundred dollars (\$500).

JOHN LYNN.”

That appears to have been certified, October 16th; October 16, 1912, “payable through New York Clearance House,” and then the signature of the certifying check of the bank. On the back is this indorsement in handwriting:

“William Sulzer. Pay to the order of the Manhattan Company, New York. Boyer & Griswold Company,” and then, “Manhattan Company. Received payment October 16th.”

It appears that whoever got that check, from those indorsements, got the cash and evidently turned it over to Boyer, Griswold & Company.

From the documents that have already been placed in the possession of the Committee, Mr. Chairman, I do not think there is any question at all but the handwriting of William Sulzer on the back of this check is the original, genuine handwriting of the Governor himself, and that is the check that was cashed. There is a receipt for that check, Miss McKenzie, and it will be returned as soon as we have been able to have it photographed.

(Witness excused.)

Assemblyman Yard.— Does that item appear in the statement?

Mr. Richards.— I want to say to the Committee that this item, Mr. Chairman, does not appear in any statement filed by the Governor.

Is there anybody here from the Farmers' Loan and Trust Company?

Mr. Gibbs.— Yes.

Edwin Gibbs was called as a witness, and being duly sworn, testified as follows:

Examination by Mr. Richards:

Q. Mr. Gibbs, you are connected with the Farmers Loan and Trust Company? A. Yes, I am.

Q. In what capacity? A. Assistant Secretary.

Q. And were you served with a subpoena by this Committee to produce certain books and papers and certain deposit slips? A. Of the Trust Company?

Q. The Trust Company? A. Yes.

(Witness produces papers.)

Mr. Richards.— I offer in evidence a subpoena issued to the Farmers Loan and Trust Company, calling for the production of all original letters, journals, cash books and other books of entry showing the account of William Sulzer with the Farmers Loan and Trust Company from the 1st day of September, 1912, to the 1st day of January, 1913; also, showing all deposits in and payments out of said accounts; also, all deposit slips filed with deposits to said account in said Trust Company between said dates, and also all letters or communications in writing addressed to said company relating to giving any information on the subject of said account of said William Sulzer at any time.

Mark that, please.

(The subpoena was received in evidence and marked Exhibit 49 of this date.)

Q. Mr. Gibbs, have you pursuant to that subpoena, produced certain books or papers, that is not the original books, but a transcript of the account? A. I have produced a transcript to which I am ready to swear.

Q. That is correct. Will you just tell us what the total accounts in that deposit were between the first of September last and the first day of January? A. \$21,414.89 — May I correct that statement?

Q. The witness wants to correct that statement. It is a little more? A. \$24,395.31.

Q. What was the balance which William Sulzer had on account on the 1st day of January, 1913? A. \$22,527.47.

Mr. Richards.—There appears to be two large deposits in October — one on October 8th and another on October 10th.

Q. Will you just tell us, just for the record, what the total of those two deposits for those days were? A. \$7,900.

Q. \$7,900. A. On October 8th and October 10th.

Q. On October 8 and October 10, 1912? A. October, 1912.

Q. Now, have you the deposit slips of that account? A. I have.

Q. Will you produce that, please? A. Yes, sir. (Witness produces deposit slips).

Q. You are familiar with the handwriting of William Sulzer himself, are you not? A. No, I am not.

Q. Well, some one in your bank or trust company must be? A. We have Mr. Sulzer's signature on file, which we could verify.

Q. I would like to have that signature produced here? A. All right.

Q. Will you have it verified? A. Yes.

Q. I show you one deposit slip, deposited by one William Sulzer — I don't suppose you are an expert on handwriting, but you must be used to it in your bank, the handwriting on Exhibit 4, the check for \$500 of John Lynn, and the handwriting of the deposit slip of October 8th, are not those in the handwriting of the same person? A. I should say they were.

Mr. Richards.—That is all, thank you very much.

(Witness excused.)

Mr. Richards.—I offer in evidence the deposit slip of October 8th first. October 8th, bills, that is cash, Mr. Chairman; \$1,400, check; \$1,000; another one for a thousand dollars; another one for a thousand dollars; another one of \$500; another one of \$250, and another of \$250; total, \$1,400 on October 8th.

Q. Will you look at the numbers in front of those checks and just tell us what banks, if you can, what banks those represent; these are banks — each bank clears has a number, has it not? A. Yes.

The Chairman.—Before you proceed, will you kindly have that slip marked in evidence?

Mr. Richards.— Yes. Will you just mark that, please?

(The slip was received in evidence and marked Exhibit 50 of this date.)

Mr. Richards.— Mr. Chairman, the witness is ready to proceed.

The Chairman.—All right, proceed.

The Witness.— The first check, \$1,000, the slip indicates was drawn on the Bankers' Trust Company.

Q. The Bankers' Trust Company? A. The second check of a thousand dollars, the slip indicates that was drawn on the Guarantee Trust Company; the third check for \$500 was drawn on the Non-Clearing House Bank, not indicated here, what the check was. The fourth check for \$250 was drawn on the Equitable Trust Company. The fifth check for \$250 was drawn on the People's Trust Company of Brooklyn.

Mr. Richards.— Now, let me have the Morgenthau check. I show you a check to the order of William Sulzer, Exhibit 6, on the Guarantee Trust Company, and ask you whether or not, after looking at this deposit slip which you say appears to be in the handwriting of the person who signed, another endorsement, whether that is not one of the checks which was deposited with this deposit slip? A. The Clearing House number on the deposit slip would indicate that this check for a thousand dollars was deposited in Mr. Sulzer's account on the 8th of October.

Q. And that corresponds to the Clearing House number of the check which I have just shown you? A. One of the thousand dollar checks.

Q. One of the thousand dollar checks. I show you another deposit slip of October 10th, and ask you to compare the handwriting on the slip of October 8th, with the slip of October 10th, and tell us whether or not that is not in the same handwriting, the words "William Sulzer." A. I should say they were both signed by the same person.

Q. They are very, very similar, are they not? A. Yes.

Q. Quite identical? A. Yes.

Mr. Richards.— I offer that deposit slip in evidence, October 10th.

(The deposit slip was received in evidence and marked Exhibit 51 of this date.)

The Chairman.— You are not going to prove that by Mr. Gibbs as a handwriting expert, are you?

Mr. Richards.— Oh, no, just simply for the record, as I go along. We will verify these signatures as soon as Mr. Gibbs is through. I will let him get it verified.

I offer, especially, in evidence, although I am going to offer all of these deposit slips, I want the Committee's attention called especially to this —

The Chairman.— Has that been marked in evidence?

Mr. Richards.— “Exhibit 51, deposited by William Sulzer in the Farmers' Loan & Trust Company, New York, October 12th, 1912, bills \$2,500, check \$1,000.”

Q. Will you tell us by looking at that deposit slip what bank or trust company the check for \$1,000 was on? A. The Bank of Manhattan Company.

Mr. Richards.— I would like to have the stenographer mark this in evidence.

(The deposit slip was received and marked in evidence Exhibit 52 of this date.)

The Chairman.— You want a receipt for these things you have produced?

The Witness.— Yes, sir, Mr. Richards will let me have one.

The Chairman.— Mr. Horgan, will you kindly draw a receipt for Mr. Gibbs for these deposit slips?

Mr. Richards.— What is that, Mr. Chairman?

The Chairman.— I want Mr. Horgan to give Mr. Gibbs a receipt for those deposit slips.

Mr. Horgan.— All right.

Mr. Richards.— We will have it ready for you when you come back.

Mr. Richards.— I have offered in evidence all these deposit slips, and they will have to be analyzed, but just for the moment, I want to call the Committee's attention to the fact of the deposit of large sums of cash, one on December 16, 1912, bills,

\$1,100; another one on December 18th, bills, \$1,000; another one on December 28th, bills, \$3,000, all cash; a total of \$5,100 cash during those dates.

Now, in view of the evidence that has been given here, Mr. Chairman, and at the hearing in Albany on last Wednesday with reference to the deposit in the Mutual Alliance Trust Company, which was kept by Mr. Sarecky, he refused to answer the questions of the counsel to the Committee, as you are aware; and in view of the fact that the statement filed by Mr. Sulzer showing about sixty-eight contributors aggregating about \$5,464, I call the Committee's attention to the fact during the period of the campaign from nomination to election in the Mutual Alliance Trust Company, from the day when the nomination was made until election day, was \$12,000, and I want to show how many checks and their size that went into this account, and just how many there was in place of sixty-eight, as claimed.

On October 5, the following checks: Check for \$100, check for \$10, check for \$5500; that is three checks on that date.

On October 11th the following checks:

Check for \$100, one for \$50, another one for \$50, another one for \$250; another one for \$225, another one for \$250, another one for \$50, and another one \$500, making on that date eight checks. The total on that day was \$1275 on October 11th.

On October 8th—just so as not to burden the record with the details of these checks, I will count the checks. October 8th, seventeen checks, aggregating \$890. October 15th, ten checks aggregating \$3350, and on October 19th, fifteen checks, aggregating \$1010. On October 19th, a check for \$25.

On October 21, six checks, aggregating \$535. On October 24, five checks aggregating \$910. On October 26, seven checks, aggregating \$566.77. On October 30, four checks aggregating \$147. And on November 4th, ten checks, and a hundred dollars in cash, aggregating \$147 dollars. And on November 4th, ten checks and a hundred dollars in cash, aggregating \$145.33. On November 7th, \$950, and in checks, five checks, aggregating \$525 more, making a total on November 7th of \$1475.

On November 12th—this comes within a week after election day—three checks for four hundred dollars.

I wish to say that the checks—this is the check itself of November 7th,—which was after election shows the names of some of the contributors so that after election, was of campaign

contributions, and evidently the same thing is true of the following ones after. That makes a total of ninety-four checks, besides a very considerable sum of cash, something about \$2,000, I think; ninety-four checks in place of sixty-eight.

Now, is there a gentleman here from the Fuller & Gray's firm?

Mr. Joseph H. Beall.—Mr. Chairman, and gentlemen of the Committee: I appear on behalf of Mr. Arthur L. Fuller, individually, who is here, and on behalf of the firm of Fuller & Gray, of which he is a member. We enter a formal objection to his being called under a subpoena in that the matters with respect to which he is subpoenaed are beyond the scope of the resolutions empowering this Committee to investigate.

The Chairman.—Well, your objection will be noted, and denied.

Mr. Richards.—Mr. Chairman, I want to state frankly, unless the Chairman desires to hear it, of course, if there is some evidence that is improper, that the Chairman will rule it out.

The Chairman.—Yes, sir.

Mr. Richards.—I want to call this man for the purpose of showing some transactions which we expect to connect with the contributions and moneys and the motive for not telling about campaign contributions; the demand for moneys for stock transactions during the period of the campaign.

Mr. Beall.—We have no interest in any quarrel, and we do not wish to embarrass in any way the Committee, and I have instructed Mr. Fuller to answer the subpoena, and to answer the questions, if you insist upon it, but we do not believe that the transactions of the Governor of this State, or anybody else with our consent should be made public property.

The Chairman.—If Mr. Richards can show that certain moneys were collected during this campaign for the purposes of campaign purposes, and diverted into your office, we feel that it is within our scope.

Mr. Beall.—I agree with you on that.

The Chairman.—And if you can satisfy Mr. Richards and the Committee that none of those moneys were collected for campaign purposes, we do not want to know it.

Mr. Beall.—It seems to me that the burden of that is on you to show that it did.

The Chairman.—That is one reason why we are here.

Mr. Beall.—I simply asked, Mr. Chairman, that my objection be noted.

The Chairman.—All right.

Arthur L. Fuller, a witness called by the Committee, having been first duly sworn, testified as follows:

By the Chairman:

Q. What is your full name, please? A. Arthur Fuller.

Examination by Mr. Richards:

Q. Mr. Fuller, where do you reside? A. My residence is 543 East 24th street, Brooklyn.

Q. What is your business? A. Stock broker.

Q. Are you a member of any stock brokerage firm? A. I am a member of the firm of Fuller & Gray.

Q. And does that firm do a business in connection with purchases and sales on the Stock Exchange in New York? A. Yes, sir.

Q. And has it a branch — where is its office? A. 71 Broadway.

Q. Has it branch offices? A. Yes, sir.

Q. Will you just tell us where those branch offices are? A. 44 Court street, Brooklyn; 501 Fifth avenue, New York; 36 South Broadway, Yonkers.

Q. Have you connected with your concern a gentleman by the name of Colwell? A. No, sir.

Q. Do you know such a gentleman? A. I do.

Q. Mr. Frederick L. Colwell, of Yonkers? A. I know Mr. Colwell.

Q. What is his relationship to your firm, if any? A. None whatever.

Q. Just simply a customer? A. Not even that.

Q. Does he do business in your office? A. Not that I know of.

Q. Well, haven't you an office with him? A. He comes in our office and receives his mail there.

Q. Does he use the same — isn't his name under the same number of the telephone book as your concern? A. I couldn't say as to that; I never have noticed it.

Q. Well, how long has he occupied this position of being in your office, or getting his mail there? A. Well, probably, since the first of February.

Q. Since the first of last February? A. Yes, sir.

Q. And you have known him for some time before that, have you not? A. Oh, yes.

Q. Has Governor Sulzer been in your office? A. Not to my knowledge.

Q. You have never seen him, then? A. No, sir.

Q. Have you an account on your books known as 500? A. Yes, sir.

Q. Have you been — have you got a subpoena that was served upon your firm? A. (Witness produces subpoena.)

Q. It appears by the telephone book, Mr. Fuller, that Mr. Colwell's telephone and yours are the same, Rector 8776; is that right? A. That is our telephone number, Rector 8776, yes, sir.

Q. And, of course, his name could not be put in the book under your telephone number, and under your call without your consent, or the consent of your firm? A. Exactly.

Q. Now, you have been subpoenaed to produce books of account showing purchases or sales of stock and the profits of margins or withdrawals of money from William Sulzer from the first day of January, 1912, to date, and also with reference — and the same with reference to a certain account or designation known as Account 500. Have you produced a transcript of that account? A. I have the account of 500 in our books here.

Q. Will you please have your books produced?

The Chairman.— Mr. Richards, you propose to confine this within the time of these campaign contributions?

Mr. Richards.— Yes, or just before —

The Chairman.— (Interrupting.) Nothing before that, or nothing after?

Mr. Richards.— (Continuing) Or just after.

Mr. Beall.— Consider my objection as being renewed, please, Mr. Chairman.

The Chairman.— Yes, sir.

(The witness here produced a book of account.)

Q. Now, will you turn to account 500? A. This is account 500. (Witness indicates in book).

Q. I won't look at anything except that. A. There is account 500. (Indicating).

Q. When was it opened, December, 1912? A. October 21, 1912. Q. When was that account No. 500 opened? A. October 21, 1912.

Q. October 21, 1912. That is between the nomination of William Sulzer and election day, is it not? You know that, do you not, Mr. Fuller? A. (No answer).

Q. It is between the first of October and the 5th of November, 1912? A. Yes, sir, October 21, 1912.

Q. Yes, and how long did it continue? A. (After examining book). It still continues; it is not closed.

Q. It has not been closed. And what transactions occurred on that account in the way of purchases or sales of stocks? A. On October 21, there were 100 shares of stock bought; on October 21 —

Q. Now, just wait a minute. On October 21, there were 100 shares of stock bought. What was that stock? A. 3 C's.

Q. That is — A. (Interrupting) Cincinnati, Chicago —

Senator Sanner.— Cincinnati, Cleveland and Chicago.

The Witness.— The Big Four; it is a subsidiary of the New York Central.

Q. It is a subsidiary of the New York Central, isn't it? A. Yes, sir.

Q. Now, what else was bought in the month of October, 1912? A. 200 shares is all of these 3 C's.

Q. Was there any other stock bought in that month? A. No, sir.

Q. Now, what deposits were made of cash in the month of October, 1912? A. On the 22d, there was a deposit of \$1,500.

Q. Cash, that was, was it? A. Cash of a thousand dollars.

Q. And this cash of a thousand dollars, when was that? A. On the same day.

Q. Those two deposits were on the same day, were they? A. According to this book, yes, sir.

Q. That was all the stock that was bought in that account? A. That is all.

Q. And you say it is still open? A. Still open.

Q. Has any of that stock been delivered to any one? A. Yes, sir, it has been delivered.

Q. It has been delivered? A. Yes, sir.

Q. To whom? A. My books don't show, and I really don't know; that is, this ledger doesn't show; I don't really know.

Q. Your books show — where did you get the information then, that the stock was delivered? A. We have a record of who the stock was delivered to on our office copy press, of course; we have a receipt.

Q. You have such documents in your office? A. I have a receipt for the stock, yes, sir.

Q. Do you remember seeing that receipt? A. I do.

Q. You remember who that receipt is signed by? A. F. A. Coe, Frederick A. Coe.

Q. Now, who is he? A. He is a man in our employ.

Q. Where is he employed? A. Yonkers.

Q. Yonkers; he is the Yonkers manager? A. No, sir; he is a clerk.

Q. Just clerk? A. That is all.

Q. And who is your Yonkers manager, or who is in charge? A. A man by the name of Hart.

Q. Yonkers is where Mr. Colwell lives, is it not? A. I believe he lives in Yonkers.

Q. Haven't you anything in your office that shows who is the person who is responsible for account No. 500? A. I haven't, no, sir; I am the board member of the firm, and I inquired into the business, and they said — to my partner — and they said it was a cash transaction and the stock paid for, and they made no further inquiry.

Q. You mean to say when it was paid for — A. (Interrupting) Was to be paid for in cash outright. In other words, we were not to carry it on margin.

Q. But you say this account is still open? A. Yes, sir, it has a debit of \$14 and some cents.

Q. That is the way that it is open? A. That is the way that it is open.

Q. When was the stock delivered according to your books? A. There were 200 shares delivered on October 31.

Q. October 31. And your records show, as far as you are concerned, that that stock was delivered to F. A. Coe, who is a clerk in that office? A. Yes, sir.

Q. How long have you known Mr. Coe? A. Twenty years.

Q. And does he do business in your Yonkers office? A. Not to my knowledge.

Q. Well, what has your acquaintance been with him? A. Well, Mr. Colwell used to be a member of the firm of Harris & Sewell, and I knew him well.

Q. He was formerly a member of the firm? A. Not of my firm, no.

Q. Harris & Sewell is the firm in which one of your brothers and your father are members? A. Yes.

Q. Where is their place of business? A. New York, 45 Broadway, New York.

Q. New York, 45 Broadway. There is a rule in the Stock Exchange which prevents Stock Exchange houses from employing solicitors, is there not? A. Yes, sir, there is.

Q. So that you couldn't — it wouldn't be right for any one to either have, or say that they have a person who is soliciting business? A. Yes, sir, that is right, they cannot be employed for that purpose.

Q. Exactly. But you know, do you not, that Mr. Colwell has brought customers, and brought business into your office? A. I do not, no, sir.

Q. You don't know that? A. No, sir.

Q. Would some one in your firm know that? A. They might.

Q. What was the market value of that stock that was purchased during the campaign of 1912? A. You mean at the date at the price that this was purchased at?

Q. Yes. A. Purchased 100 shares at 60 and 100 at 58.

Q. That made a total of how much money? A. \$11,800 without the commission.

Q. And when was the — cash was paid for that? A. Yes, sir, at different times.

Q. At different times, but I want to have you give me the dates when the stock was physically paid for and delivered? A. On the 22d, there were \$2,500 cash.

Q. 22d of October? A. 22d of October. On the 28th, there was \$5,000 in cash; on the 31st there was \$8,825 in cash. That is during October, when that two hundred shares was bought.

Q. So that it was all paid for and the stock was delivered before the first of November? A. The stock was delivered October 31.

Mr. Richards.— I think that is all. That is all, Mr. Fuller. I am very much obliged to you.

Mr. Beall.—You don't want those books, do you?

Mr. Richards.—No.

(Witness excused.)

Mr. Richards.—Mr. Gibbs, will you take the stand?

Edward Gibbs, recalled for further examination, testified as follows:

Examination by Mr. Richards:

Q. Mr. Gibbs, have you now brought the deposit slips or the signature slip of William Sulzer? A. I have here the card against which was paid Mr. Sulzer's checks.

Q. Can you state whether or not this is in his handwriting? (Counsel passes paper to witness.) A. (After examining) The slips are apparently carelessly written, but I should say, from my experience with signatures, that they were written by one and the same person.

Mr. Richards.—I want to have some record—I will have it just marked, and they of course will want to take it back, and the stenographer can take a copy, and then the bank, of course, needs it for its records. Please mark that in evidence—that signature card.

(The card was received in evidence and marked Exhibit 53 of this date.) The said exhibit reads as follows:

“ACCOUNT OF WILLIAM SULZER.

874

Opened 817

Old account.

(Signature) William Sulzer.

Specimen signatures.

Telephone 1504 Broad.

Address, 45 Broadway.

Received May 29th, 1900.

For Farmers Loan & Trust Company,
New York City.”

The Chairman.—That is all you want with Mr. Gibbs, isn't it?

Mr. Richards.—Yes.

The Chairman.—Thank you very much, Mr. Gibbs.

Mr. Richards.—Is there a member of the firm of Harris & Fuller here?

Mr. Fuller.—Yes.

Melville B. Fuller, a witness called by the Committee, having first been duly sworn, testified as follows:

The Chairman.—What is your full name, please?

The Witness.—Melville B. Fuller.

Examination by Mr. Richards:

Q. What is your name, sir? A. Melville B. Fuller.

Q. Mr. Fuller, are you a member of the firm of Harris & Fuller? A. I am.

Q. Your business is that of stock brokers? A. Yes, sir.

Q. Where is your place of business? A. 45 Broadway, New York.

Q. Are you a member of the Stock Exchange itself? A. I am.

Q. And have been for some time? A. I have.

Q. Do you know Mr. Frederick L. Colwell? A. I do.

Q. What has been his connection with your firm? A. He was a partner in our firm up to about eight or nine years ago.

Q. And since then, what connection, if any, has he had? A. He has no connection whatever.

Q. Well, he comes in from time to time, does he not? A. I don't think he has been there — no, he does not.

Q. He does not? A. No.

Q. Mr. Fuller, your firm has been subpoenaed to produce certain accounts of sales and purchases of stock by William Sulzer. Have you that subpoena with you? A. I have.

(The witness produces subpoena).

Mr. Richards.—I offer in evidence this subpoena — directed to the firm of Harris & Fuller, to produce all books of account, purchases and sales of stock, and deposits of margins, or withdrawals of money by William Sulzer, showing in detail all the transactions.

(Subpœna received in evidence and marked Exhibit No. 54 of this date.) The said exhibit reads as follows:

“ * * *. And you are hereby further directed to bring with you before said Committee all books of account, ledgers, journals,

stock books, collateral, order and margin books, showing purchases or sales of stock and deposits of margin or withdrawals of money by William Sulzer from the 1st day of January, 1912, to date, showing in detail all transactions of said account whether in cash or securities, and all letters received from said William Sulzer or from any one for his account, or copies of all letters written to him or any one for his account, whether said account in reality of William Sulzer is carried in the name of William Sulzer, or under the name of some other person or some number." * * *

Q. Mr. Fuller, did William Sulzer have an account with your concern? A. With all due respect to this Special Committee of the Legislature, I am advised by my counsel that there is a question as to whether this Committee has been legally appointed, and further, as to whether they have any right —

The Chairman (interrupting).— Mr. Fuller, we won't ask the opinion of your counsel. We will ask you to answer the questions yes or no. Will you answer the questions put to you by counsel; yes or no, please?

The Witness.— I refuse to answer.

The Chairman.— You refuse to answer?

The Witness.— Yes, sir.

Q. Now, Mr. Fuller, when did you last see Governor Sulzer? A. I refuse to say.

Q. Did you visit him this week in Albany? A. I refuse to answer.

Q. Were not you called to Albany by Governor Sulzer between the time when you were served with the subpoena which was put in evidence, and to-day? A. I refuse to answer.

Q. Did you have a talk with Governor Sulzer up there and didn't he ask you to refuse to answer? A. I refuse to answer on the grounds already stated.

Q. On the ground that you have doubt as to the powers of the Committee? A. On the grounds that I have stated.

Mr. Richards.— Will you please, Mr. Stenographer, turn back to the grounds that he states.

(The stenographer thereupon read the answer of the witness as follows: "A. With all due respect to this Special Committee of the Legislature, I am advised by my counsel that there is a

question as to whether this Committee has been legally appointed, and further, as to whether they have any right —")

The Witness.— I will state them again, if you want me to.

Mr. Richards.— I wanted to see how you stated them then Mr. Fuller.

Q. That was the ground of your objection? A. When I was interrupted by the Chairman of the Committee, if you please, sir.

The Chairman.— Yes, I interrupted him and asked him to answer the questions yes or no.

Q. Will you state now the grounds, on what grounds you refuse to answer the questions? A. That there is a question as to whether this Committee has been legally appointed; also as to whether they have a right to inquire into the personal affairs of my firm. I have nothing to conceal.

Q. I assume that, Mr. Fuller? A. I am perfectly willing if ordered by the court.

Q. At whose suggestion, at whose suggestion are you refusing to answer? A. At the suggestion of Messrs. Olcott, Gruber, Bonyne & McMannus.

Q. I don't mean your lawyers, your counsel. I am talking about a layman? A. No layman.

Q. Who have you talked with with regard to this matter other than your counsel since you were served with a subpoena? A. I refuse to answer.

Q. That is within the powers of the Committee, Mr. Fuller. You don't claim that we haven't the right to inquire as to whom you had talked to? A. I refuse to answer on the grounds stated, there is a question as to whether the Committee have a right to inquire into the personal affairs of my firm.

The Chairman.— Then, Mr. Richards, the Committee would advise you to prepare papers and present them to a court, and see if we can get Mr. Fuller to answer.

Mr. Richards.— Well, I want to — so we will have specific —

The Witness (interrupting).— Mr. Chairman, I will want to make it perfectly plain.

The Chairman.— I understand.

The Witness.— I am willing to do it if ordered by a court.

The Chairman.— We will attempt to show you so as to satisfy your mind that the Committee has the right.

The Witness.— Thank you.

Q. Now, I ask you again on this one particular point: Didn't you go to Albany on Monday and didn't you there have a talk for two or three hours with Governor Sulzer on the subject of this account? A. I refuse to answer on the grounds stated.

Q. Do you know Governor Sulzer? A. I do.

Q. You do. How long have you known Governor Sulzer? A. Fifteen years.

Q. He used to be in the same building with your firm, did he not? A. I don't know.

Q. Wasn't he in the Aldridge Court, where your business — A. (Interrupting.) I don't know.

Q. Don't you remember that fifteen years ago he was down there? A. I told you I didn't know.

Q. I am trying to — I understand, Mr. Fuller. I am just trying to refresh your recollection. Don't you remember whether or not Governor Sulzer, who was then Congressman, had his office down at 45 Broadway, where your firm's office is? A. No, sir. I do not.

Q. In the same building? A. I don't remember, no, sir.

Q. How often have you seen Governor Sulzer in the last fifteen years, during the period of your acquaintance? A. I couldn't say.

Q. You couldn't state. Well, about how often have you seen him? A. I haven't the slightest idea.

Q. When he is here in town he don't drop in to see you, does he? A. No.

Q. Does he drop in to see your firm quite often? A. Not that I know of.

Q. Have you ever seen him in your office? A. No.

Q. You have not? A. No.

Q. Well, who does see him when he comes to your office? A. I didn't say that he did.

Q. I am asking now? A. I don't know.

Q. You don't know. What has your acquaintance been with Governor Sulzer? Has it been business or otherwise? A. Why, I have known him for years.

Q. I am asking you whether it has been business or otherwise; business or social or both? A. I refuse to answer.

Q. How long since you have seen Mr. Colwell? He is right here in the room, isn't he? A. (No answer).

Q. Mr. Colwell has been away since last Friday until this morning? A. Ask him. I don't know.

Q. Well, don't you know? A. No.

Mr. Richards.—Well, I think we will suspend with this witness, Mr. Chairman, and I think under the circumstances, I will ask you as Chairman to direct him to answer the questions.

The Chairman.—Well, I will again repeat, Mr. Fuller. I direct you in behalf of the Legislature of the State of New York to answer the questions to the counsel as asked of you. Will you or will you not?

The Witness.—I will not.

The Chairman.—Then, Mr. Richards, as I already stated, you will prepare the papers and go before the Court and follow out whatever the law prescribes for a witness refusing to answer the questions put to him by the Legislature Committee.

Mr. Richards.—Well, then, under the circumstances, there is nothing further to do but to let the witness leave the stand.

The Chairman.—You can consider yourself still under subpoena.

The Witness.—Do you want me to stay here?

The Chairman.—No, no.

Mr. Richards.—At any time the Committee sends for you.

The Witness.—Certainly.

Mr. Richards.—Mr. Colwell.

Frederick L. Colwell, a witness called by the Committee, being first duly sworn, testified as follows:

The Chairman.—What is your full name, please?

The Witness.—Frederick L. Colwell.

Direct examination by Mr. Richards:

Q. Mr. Colwell, where do you reside? A. Yonkers, N. Y.

Q. And what is your business? A. None whatsoever.

Q. You have no business at present? A. No, sir.

Q. You are interested, however, in financial matters, are you not? A. No, sir.

Q. Well, don't you keep an office in the financial district? A. Yes, sir.

Q. Where do you keep your office? A. 71 Broadway, where I get my mail.

Q. With whom is that office? A. Fuller & Gray.

Q. And how long have you maintained that connection with Fuller & Gray? A. Since the first of February.

Q. And before that where was your office located? A. Well, I had no office for a year or so, formerly, before that.

Q. Well, I mean until within a year of that you had no particular — A. (Interrupting) No.

Q. (Continuing) Business address? A. No, sir.

Q. And were you in any business before that? A. Yes, sir, the firm of Harris & Fuller.

Q. How long were you a member of the firm of Harris & Fuller? A. Fifteen or eighteen years.

Q. That is, beginning fifteen years ago? A. No, I have not been a member of that firm for seven or eight years.

Q. Beginning then, more than fifteen years ago? A. 1889 I was first a member of that firm.

Q. You first became a member of that firm in 1889? A. Yes, sir.

Q. And when did you cease to be a member of that firm? A. 1905 or 1906, I think; 1907; somewhere through there.

Q. 1906 or 1907? A. 1906 or 1907.

Q. Do you know William Sulzer, the Governor? A. Yes, sir.

Q. How long have you known Mr. Sulzer? A. A good many years; about ten or twelve years, I guess.

Q. Was he a customer of that firm when you were there? A. That, sir, I refuse to answer on the advice of counsel.

Q. Who is your counsel? A. Mr. Beall, to my right.

Q. Do you know Frederick A. Coe? A. Yes, sir.

Q. Who is he? A. I believe he is one of the clerks in their Yonkers office.

Q. How long have you known Mr. Coe? A. A year or so ago.

Q. Since he went with them? A. He was there before I knew him, I think.

Q. How did you come to know him in connection with Fuller & Gray? A. I say I saw him in that office; I was introduced to him.

Q. Do you go into the office there of Fuller & Gray? A. Once in a while.

Q. Well, how often? A. Once a week, once in two weeks, just to use the telephone possibly, or to phone up to my house.

Q. Are you interested in business at all? A. None whatsoever.

Q. Did you see the Governor during the campaign? A. Yes, sir.

Q. How many times did you see the Governor during the campaign? A. I couldn't say.

Q. Well, I mean how often did you call at his office when he was here in town during the campaign? A. Well, offhand, half a dozen times.

Q. Did you talk over stocks with him? A. Oh, he would ask how the market was, and so on, that was all.

Q. You knew, did you not, that he had an account at that time with — A. (Interrupting) No, sir, I did not.

Q. Wait. You are a little bit too quick. You knew, did you not, that at that time he had an account with Harris & Fuller? A. No, I did not.

Q. Although he talked stock market with you, he did not mention where he had his account? A. No, sir.

Q. And you had no idea where he had his account? A. No, sir.

Q. Do you know about account No. 500 with Fuller & Gray? A. No, sir.

Q. You mean to say that you have no information about it? A. Hearing them speak about it here, that is all.

Q. Haven't you told people in Yonkers that account No. 500 was William Sulzer's account under cover? A. I refuse to answer, sir.

Mr. Richards.—Just repeat the last question and the last answer of the witness.

(The stenographer thereupon read the last question and answer as follows):

“Q. Haven't you told people in Yonkers, that account No. 500 was William Sulzer's account under cover? A. I refuse to answer, sir.”

Mr. Richards.—Read the question and answer before that.

(The stenographer thereupon read the question and answer referred to as follows:)

"Q. You mean to say that you have no information about it?
A. Hearing them speak about it here, that is all."

Q. Now, I ask you again, in view of your statement before, now, is that statement true, that the only way, and the only information you have of account No. 500 was what you heard here? A. I refuse to answer, sir.

Q. Well, now, did you mean then, the answer that you gave to the question which I have just called your attention to, did you mean that, was that true? A. What was that?

Q. Why, you said that the first — that the only information you had of the account is what you heard here. Now, did you say that? A. I did.

Q. What did you mean by it? A. I heard Mr. Fuller, Jr., Mr. Arthur Fuller.

Q. Now, I ask you again, is that the only information that you had of account 500? A. I had heard of it before.

Q. Where had you heard of it before? A. Mr. Fuller speaking about it.

Q. Which Mr. Fuller? A. Arthur Fuller.

Q. How long ago was that? A. Oh, I couldn't say how long ago it was.

Q. Did you speak to Mr. Gray about it? A. I think Mr. Gray spoke to me about it.

Q. Do you know Mr. Sutton, Mr. Gray's brother-in-law? A. Yes, sir.

Q. Did you tell Mr. Sutton, Mr. Gray's brother-in-law, that account 500 in Fuller & Gray was the account of William Sulzer?
A. No, sir.

Q. Did you tell other people in Yonkers that fact? A. No, sir.

Q. You have the same telephone call as Messrs. Harris & Fuller, have you not? A. Yes, sir.

Q. Fuller & Gray, I beg your pardon. Did you have some — how recently have you seen Governor Sulzer? A. Oh, it must be months since I have seen him.

Q. A month? A. Months.

Q. Months. Have you seen him since the legislation which you proposed with regard to the stock exchange was introduced?
A. No, sir.

Q. Did you see him at that time? A. When was that — I was passing through Albany —

Q. (Interrupting) In the Legislature in 1913 was the legislation with regard to the stock exchange, increasing the tax, etc.,

did you go to see Governor Sulzer at Albany? A. Did I go to see him? No. I was passing through, and I just stopped in and said how do you do to him in the Executive Chamber.

Q. Did you talk with him? A. Passed the day.

Q. Just passed the day? A. Time of day.

Q. How long since you have seen him is it when you have more than passed the day? A. Repeat the question.

Q. Perhaps I put it rather awkward. On this occasion when you were passing through Albany, and when you say the Legislature was in session, and when some of this Wall Street legislation, Stock Exchange legislation was on the boards, you say that you stopped — you were passing through and stopped to see him in a casual way. Now, I ask you before that trip, before that casual talk with the Governor, when had you last seen him? A. Oh, last Fall, away back.

Q. Last Fall. When was that, in October? A. I think it was.

Q. And did you see him at his office? Did he see you at his office? A. I saw him at his office.

Q. Did he ever come to your office? A. No, sir.

Q. Did you ever see him in the office of Miller & Gray? A. No, sir.

Q. Or in the office of Harris & Fuller? A. Years back, when I was a member of the firm.

Q. When you were a member of the firm of Harris & Gray? A. Harris & Fuller.

Q. Now, so that I may have no misunderstanding of what you say, I didn't mean necessarily that your talk with the Governor would be that you were face to face. Did you talk to him over the telephone this last year? A. No, sir.

Q. At any time? A. No, sir.

Q. Or talk with anyone representing him? A. No, sir.

Q. How often during the campaign did the Governor call you over to his office? A. I couldn't say.

Q. Well, can't you give us some idea? A. No, I could not.

Q. Well, you were there quite often, were you not? A. No, once or twice, two or three times.

Q. Once or twice? A. Two or three times.

Q. Two or three times. You know Mr. Louis A. Sarecky? A. Yes, sir.

Q. Did you take lunch with him? A. No, sir.

Q. I don't mean recently, but you have taken lunch with him, have you not? A. I think once, if I remember.

Q. When did you last see Mr. Louis A. Sarecky? A. I refuse to answer.

Q. When did you first hear of the service of a subpoena calling for these accounts that we are asking for here? A. Monday morning.

Q. Monday of this week? A. Yes, sir.

Q. Who told you about it? A. Somebody in the office of Fuller & Gray said that Mr. Arthur Fuller had been subpoenaed; said nothing about me.

Q. Nothing about you. No, I understand that, but that was the first that you heard of that? A. Yes, sir.

Q. And when last before that had you seen Louis Sarecky? A. I passed him in the hall mailing a letter.

Q. How long before that? A month or so I guess.

Q. How recently have you seen him? A. I refuse to answer.

Q. Have you seen him this week? A. I refuse to answer, sir.

Q. Did you see him yesterday? A. The same answer, I refuse.

Q. I beg your pardon? A. I refuse to answer.

Mr. Richards.—I think that is all, Mr. Chairman. I want to have you to direct this witness to answer the questions.

The Chairman.—Yes. I want to ask a question.

By the Chairman:

Q. At any time during the session of the Legislature did you talk with the Governor about the then pending legislation, pertaining to the Stock Exchange? A. No, sir.

Q. Or anybody connected with the Governor? A. No, sir.

Q. His counsel? A. No, sir.

Q. Mr. Sarecky? A. No, sir.

Q. Or anybody else? A. No, sir.

The Chairman.—Mr. Yard desires to ask you a question. Kindly answer, if you will.

By Assemblyman Yard:

Q. Do you correspond with the Governor? A. No, sir.

Q. Have you had any correspondence with him recently? A. No, sir.

By Mr. Richards:

Q. Did you have any correspondence with him in October, 1912? A. No, sir.

Q. Or with Mr. Sarecky? A. No, sir.

Mr. Richards.— That is all.

The Chairman.— You will consider yourself under subpoena.

The Witness.— Yes, sir.

The Chairman.— So that you will be within call of the Committee.

The Witness.— Yes, sir.

The Chairman.— The purpose of that is, we will see if the court—you doubt the powers of this Committee to have you answer all questions put to you, and we will settle that matter before the court.

And I might say, any witness who has been subpoenaed here until the counsel announces that he is through with him he will be still under subpoena.

Mr. Richards.—Well, Mr. Chairman, I think we will suspend here until to-morrow, and I will ask the Chairman to direct any witnesses who have been under subpoena, who have not been called to-day, to be here to-morrow morning at 10:30 A. M.

The Chairman.— The witnesses subpoenaed by this Committee who have not been called to-day will consider themselves still under subpoena and will appear to-morrow morning at 11 o'clock.

The Committee is adjourned.

Thereupon at 1:10 o'clock P. M., the Committee adjourned to meet again on Thursday, August 7, 1913, at 11 o'clock A. M.

COUNCIL CHAMBER, CITY HALL,

NEW YORK, *August 7, 1913.*

Met pursuant to adjournment at 11:00 a. m.

Present — Parties as before.

Mr. Richards.— Mr. Chairman, referring to the telegram of invitation which was sent to the Reverend O. R. Miller, I received in this morning's mail the following communication addressed to you sent to my office:

(Reading):

"STATE HEADQUARTERS, 61 STATE STREET,

ALBANY, N. Y., August 6, 1913.

Senator James J. Frawley, New York City:

DEAR SENATOR FRAWLEY.—Your telegram received last evening after office hours and as I preferred to write rather than telegraph you, my reply is delayed until to-day.

I shall be very glad to appear before your Joint Legislative Investigating Committee, and furnish you what information I have concerning the charge made in The Reform Bulletin of July 25th, that I was told that some members of the Legislature three years ago, sought a bribe for the killing of a bill.

However, because of previous engagements it will be impossible for me to come to New York this week, but I will gladly come any day next week after Monday; or if your Committee meets in Albany next week, I shall be here and will be glad to appear before your Committee here.

As I am ignorant of the ways of law, I desire to be represented by counsel at the hearing. Will there be any objection to my having counsel with me at the hearing? When I appear before the Committee I shall, at that time, furnish your Committee with the names of witnesses whom you can call on to sustain the charges which I make.

Very respectfully,

(Signed) O. R. MILLER,

State Superintendent."

This is headed on the letter head of the New York Civic League, Rev. O. R. Miller, State Superintendent, and Editor of the Reform Bulletin.

The Chairman.—You desire that to be spread on the record of the minutes?

Mr. Richards.—Yes. I ask to have this spread upon the minutes.

I would say also that so far no reply has been received from Hon. William Sulzer to the letter which was addressed to him yesterday.

The Chairman.—Well, it would hardly be time, Mr. Richards; I understand the Governor was in Warren County last night, and therefore, it would be impossible for him to receive a letter and answer by this time.

Mr. Richards.— Is Mr. Philip Boyer in the room?

Mr. Boyer.— Yes.

Philip Boyer was called as a witness, and being duly sworn, testified as follows:

Examination by Mr. Richards:

Q. Mr. Boyer, where do you reside? A. Manhasset, Long Island.

Q. And what is your business? A. Banker.

Q. A banker and a broker? A. Yes.

Q. Dealing in stocks on the Stock Exchange? A. Yes.

Q. What firm of bankers and brokers are you connected with now? A. W. C. Langley & Company, 10 Wall.

Q. And on last October what firm were you connected with, or a member of? A. Boyer & Griswold Company.

Q. Were they bankers and brokers dealing in stocks, are they? A. Yes.

Q. Did you have an account in the Manhattan Company's Bank? A. Yes.

Q. I ask you to look at Exhibit 4 of August 6th, and state whether or not you identify that as a check which went through your bank account in the Manhattan Company? It is very indistinct up here in the corner, but I think you can make it out? A. Yes. That is our stamp.

Q. How long did that firm continue since October 10, 1912? A. About the 31st of March, 1913.

Q. This year? A. It dissolved 1913.

Q. And where are the books and records of that firm? A. They are in our office. We still have an office at 42 Broadway.

Q. 42 Broadway? A. Yes.

Q. Who is in charge of that office? A. You mean now?

Q. Yes. A. Well, I supposed the building.

Q. You mean they are locked up there? A. Yes.

Q. They are locked up? A. Yes.

Q. No one is in charge, the offices are not open? A. No.

Q. And have you in your employ now any of the bookkeepers or stock clerks that were in the employ of Boyer & Griswold Company? A. You mean in W. C. Langley & Company?

Q. Yes. A. No.

Q. Do you know where any of those clerks and employees are? A. I know where some of them are.

Q. Can you tell me the names of some of them and where they are employed? A. Well, the cashier, Charles Reynolds, is with Colgate, Parker & Company, 2 Wall street.

Q. That is another brokerage firm? A. Yes, sir.

Q. Colgate, Parker & Company? A. Yes, sir.

Q. Who else do you remember? A. Why I could not give you definite information without looking it up, but that is the man who would know more about that.

Q. He would know more about this? A. Yes.

Q. Do you know a man, a man by the name of Frederick Caldwell? A. Yes.

Q. Was he doing business in your concern of Boyer & Griswold Company; was he doing business with you, I mean himself? A. On only one occasion.

Q. Only on one occasion. What was the transaction on that one occasion? A. He asked me if he could buy a hundred shares of Big Four, for cash — to be delivered that same day, and he would supply the cash.

Q. The Big Four? A. Yes.

Q. And you remember, do you, what day that was? A. No.

Q. Can you tell us about what was paid for that hundred shares? A. No.

Q. Do you recollect at all about how much it was quoted at that time, do you know that? A. No.

Q. Was that October 12th? A. No, I don't remember.

Q. You don't remember? A. No.

Q. Do you remember ever having seen Exhibit 4? A. No, sir.

Q. You don't remember ever having seen that? A. No, sir.

Q. That would naturally go, I suppose, to your cashier? A. That was the mechanical part of the office.

Q. And this was a cash transaction, and you would naturally have the checks certified, would you not? A. Yes.

Q. And you undoubtedly have this check Exhibit 4, certified by the Guarantee Trust Company? A. Well, I imagine — yes, it is certified.

Q. Yes. When did you last see Mr. Caldwell? A. Oh, I should say in February.

Q. And was the stock that you say was delivered to Caldwell, that he bought, was that delivered to him personally? A. Yes, to the best of my knowledge.

Q. That is your best recollection? A. Yes.

Q. You saw Caldwell at one time or another yourself, of course?
A. Yes.

Q. Are you the board member or office member? A. The office member.

Q. You were the office member? A. Yes.

Q. So that you would have charge of such things as that?
A. Yes.

Q. And do you remember when — when you say a cash transaction, it was not bought on margin? A. No, it was not bought on margin. It was bought on the board, bought for them this day's delivery, not the next day's delivery.

Q. Exactly. This is what you mean by cash transaction? A. Yes.

Q. Was an account with Mr. Caldwell on your books for this transaction? A. Yes, I tried to remember whether it was opened under his name or not, and I don't remember. Neither did our cashier. I called him up.

Q. You sometimes used numbers in your business? A. Yes. I think it was under his name.

Q. You think that was under his name? A. Yes.

Q. When he was in to see you last February, what was that in relation to, simply a question of stock transaction or anything relating to this account? A. I know the man very slightly. He has a friend in our office and he might have come in to see him.

Q. He may have come in to see him? A. Yes.

Q. And you had no account then under the name of William Sulzer? A. No.

Q. In your concern? A. No.

Q. Now, the books that show this account with Colwell and the man who can testify with regard to the transaction and the delivery of the stock would be Reynolds? A. Either Reynolds or the manager, called Shevale, I will find out where he is working.

Q. How long since you heard of Shevale? A. He left us in March, I think. I haven't seen him since.

Q. About substantially when the firm dissolved? A. Yes.

Q. And you can look that up for me to-day? A. Yes.

Q. And either you or your counsel will communicate with me?
A. Yes.

Q. Can you arrange so that I can see those books? A. Yes.

Q. Will you do that to-day? A. Yes, sir. I don't know that I can get them to-day. They are all packed away. I can get them this week.

Q. So I can have it by 11 o'clock to-morrow morning? A. I will try.

Q. I understand. I don't want you to do impossibilities. I know you are a business man, but I want if possible to have those so I can use them by 11 o'clock to-morrow morning. A. Yes, sir. Is that all?

The Chairman.— Is that all?

Mr. Richards.— That is all. Thank you.

(Witness excused.)

Mr. Richards.— I wish it noted on the record that I have subpoenaed Mr. Simon Ulmann of 17 Battery place, or attempted to subpoena him, and he is in Europe.

I have also subpoenaed the secretary of Mr. Frederick Augustus Heinze, Mr. Charles Saacke. Is he here?

(No response.)

Mr. Richards.— I have also served a subpoena on the representative of Mr. Archibald S. Rice, of 30 Pine street, who is also in Europe. Is anybody here from Garout? Garout Brothers?

(No response.)

Mr. Richards.— Anybody here from Mr. Peter Doelger?

(No response.)

I have also served the firm of Lehman Brothers, bankers and brokers to produce all checks from Mr. Herbert H. Lehman. Mr. Lehman is also away and cannot be located.

Mr. Richards.— While I am waiting for some of these witnesses, Mr. Chairman, I want to have it spread upon the record that there is an error in the Governor's own statement on the basis of even what he says. He has reported that he received from Joseph W. Kay, on November 2d, \$250. The deposit slip of November 4th, showing a check, and the check is identified, and the name is given by the bank clerk himself, Joseph W. Kay, \$550. He reported a little too much on that occasion. But we don't know what has become of the \$200. We will have to suspend a moment, Mr. Chairman, until some of these witnesses come.

The Chairman.— Mr. Richards, some of the Committee desire to know what you propose to prove by introduction of the Fuller firm. I wish you would give them some explanation.

Mr. Richards.— I wish to prove, if the Chairman please, that this particular campaign contribution of Mr. John Lynn went into a stock transaction for the purchase of stocks, and that the person who purchased those stocks, although the check was a contribution to William Sulzer, the person who purchased them and took them away, that is, took away the stock, was Mr. Frederick L. Colwell, the gentleman who was on the stand here yesterday, and whom I have examined. It also shows the same stock, the same railroad stock that appears in this mysterious account, No. 500, is the same stock that Mr. Colwell was buying through the firm of Boyer, Griswold & Company, and using William Sulzer's check.

The Chairman.— I hope that will be satisfactory to the members of the Committee.

Mr. Richards.— Is anybody here from Mr. Doelger yet, Mr. Doelger's representative?

(No response.)

Mr. Richards.— Now, Mr. Chairman, referring to the refusal of the witnesses yesterday — Mr. Melville Fuller and Mr. Frederick L. Colwell — to answer questions which were pertinent to this inquiry with regard to matters mentioned and refusing to produce certain books and papers which this Committee directed them to produce, I have waited this morning in the hope that I would hear from either of them or their counsel that they had come to the conclusion that it was the wisest thing for them to do, to come here and testify and produce the papers and books that we asked for. Now, I have waited twenty-four hours for them. I communicated with the counsel for one of them, and I have heard nothing from him since, calling his attention to the files of this committee, and to the files of the Legislature.

As I understand it, the Legislature itself will reconvene on Monday, the 11th, and the Legislature in session has had to deal with these two cases without the delay which might occur in a proceeding in court. In the case of Mr. Barnes, which Governor Sulzer's counsel referred to with such respect and which went to the Court of Appeals and took two months before a final decision

was rendered, nothing was done. I think this committee wants to get quick action. I know that I do, Mr. Chairman. I therefore ask you to consider whether or not it will be advisable, and I do apply for that, to notify these witnesses to appear here to-morrow morning at 10:30 to answer the questions which have hitherto been propounded to them, and on their failure to do so, to notify them to appear before the Legislature at Albany on Monday when it convenes, unless the Legislature deals with their cases under the Legislative Law, which I want to read to the committee. The Legislative Law, Laws of 1909, Chapter 37, subdivision 4, provides as follows:

“Each House may punish by imprisonment, not extending beyond the same session of the legislature for a contempt for the following offences only:

“Neglect to attend or to be examined as a witness before the House or a committee thereof, or, upon reasonable notice, to produce any material books, papers or documents when duly required to give testimony, or to produce books, papers or documents in a Legislative proceeding, inquiry or investigation.”

The Chairman.—Now, Mr. Richards, will you prepare the names and the papers for it, and the Committee will be very glad to present the same on Monday night to the Legislature when in session.

Mr. Richards.—Well, under the —

The Chairman.—I wish you would include in the preparation of your papers, the names of these men, so that we may take action upon these men properly. Do you desire this Committee to submit the name of Sarecky at the same time as these others?

Mr. Richards.—I think you might as well.

The Chairman.—Then, you might include his name in your papers. It is your desire to offer or afford an opportunity to these men that you have subpoenaed here to-morrow?

Mr. Richards.—To have one more chance to-morrow to come here and tell what they know about these transactions and answer the questions which they refused to answer yesterday; and on their failure to do that, that they be summoned before the Legislature on Monday evening, when it convenes.

The Chairman.—Well, the names that you will prepare are those men whom you served a subpoena directly on?

Mr. Richards.— Yes.

The Chairman.— Not upon employees.

Mr. Richards.— Mr. Melville Fuller was a member of the firm of Harris & Fuller, and Mr. Frederick L. Colwell was formerly connected with that bank, and who was on the stand yesterday. These are the two men that I referred to, Mr. Chairman, and if the chair authorizes me I will draw a notice to them and serve it on them to-day, both of them individually, commanding them to appear here to-morrow and answer those questions, and on their failure to do so, to appear at Albany before the Legislature.

The Chairman.— In behalf of the committee, I authorize you now to draw up the proper papers, and serve them upon those men whom you have mentioned, who have refused to testify to all questions put to them pertaining to this investigation, and to give them ample time, and to serve them before two o'clock to-day.

Mr. Richards.— Has Mr. Doelger come in yet?

(No response.)

Mr. Richards.—Are there any witnesses in the room who have a subpoena?

(Otto Mennert produces a subpoena.)

Mr. Richards.— I will ask Mr. Mennert to take the stand.

The Chairman.—Your full name.

Mr. Mennert.— Otto Mennert.

Otto Mennert was called as a witness and being duly sworn testified as follows:

Examination by Mr. Richards:

Q. What is your name, sir. A. Mennert.

Q. Mr. Mennert, where do you live? A. Manhattan.

Q. Where? A. 200 West 109th street.

Q. By whom are you employed? A. T. W. Myers.

Q. T. W. Myers? A. Yes, sir.

Q. What is his business? A. He is a broker.

Q. Banker and broker? A. Yes.

Q. 20 New street? A. Yes.

Q. Where is he? A. In Europe.

Q. How long has he been in Europe? How long ago did he leave? A. Since May, this year.

Q. When do you expect him back? A. The middle of next month.

Q. The middle of next month, Mr. Mennert, did you say? A. Yes, sir.

Q. What is your relation to him? You are his representative there in his office? A. Yes, sir.

Q. You were served with a subpoena to produce any canceled checks or canceled check made by Mr. Myers or for his account to the order of William Sulzer or to any other person for the account of William Sulzer, and any letters? A. Yes, sir.

Q. Have you charge of those documents in Mr. Myers' office? A. Yes, sir.

Q. Have you looked up those checks? A. Yes.

Q. Have you been able to find any checks? A. Yes, sir.

Q. How many accounts has Mr. Myers. How many bank accounts? A. One.

Q. Where is that? A. Farmers Loan & Trust Company.

Q. Farmers Loan and Trust Company? A. Yes.

Q. Have you been through his canceled checks? A. Yes, sir, I have.

Q. Have you looked for any checks to bearer or cash? A. Yes.

Q. Are there such checks? A. Yes, there are some checks.

Q. Are there such checks in October, 1912? A. Yes, sir, there are.

Q. Can you tell us the amount of those checks? A. Well, there are some \$100, some \$500, some \$1,000.

Q. How many \$1,000? A. I couldn't tell you offhand. I did not make a note about that.

Q. Have you looked up the endorsements on the back of those checks to bearer or cash? A. Yes, sir.

Q. How are they endorsed? Are some of them endorsed at all? A. Some are not endorsed at all.

Q. Some are not endorsed at all? Well, I will ask you to produce any checks in October, 1912, to the order of bearer or cash. A. Yes, sir.

Q. That you may have in your possession or Mr. Myers', to the order of Theodore W. Myers himself. A. Yes, sir.

Q. And any others by him during those months, and have those here to-morrow morning at half past ten. A. I will, yes, sir.

Q. Have you got any there to Louis A. Sarecky? A. No, sir.

Q. Any canceled checks to Louis A. Sarecky? A. No, sir, I have not.

Q. To Samuel I. Frankenstein? A. Not that I know of.

Q. You don't remember? A. No, sir.

Q. I will ask you to produce those to-morrow, the ones that I spoke of. A. Yes, sir.

The Chairman.— All right, Mr. Mennert.

(The witness excused.)

Mr. Richards.— Is Mr. Doelger here? Mr. Peter Doelger, or his representative?

(No response.)

Mr. Richards.— Is there anybody else here who was served with a subpoena? If so, let him step forth.

(No response.)

Mr. Richards.— I think there is one more witness on the way up here. We telephoned down for him.

(The committee here waited ten minutes for the appearance of witness.)

Mr. Richards.— Is anybody here yet from Mr. Doelger? Or his representative?

(No response.)

The Chairman.— Are you ready to proceed, Mr. Richards?

Mr. Richards.— Mr. Doelger's representative has not arrived here, so that it is a question now whether the Chair wants to adjourn until to-morrow morning, or wait until the witness appears. Neither has the other witness arrived, to whom I referred. I think we have waited long enough now, Mr. Chairman.

The Chairman.— I am informed that the young man is on his way here, so we will wait a few minutes.

(After a fifteen minute recess.)

Mr. Richards.— Is Mr. Peter Doelger here, or his representative?

(No response.)

Mr. Richards.— Mr. Chairman, I don't see any use of our waiting here for this gentleman. Let him come here to-morrow morning. He has kept us waiting. I know I have a lot of work to-day and I think we had better adjourn until to-morrow.

The Chairman.— If it is satisfactory to you, it certainly is to us. Are you ready then to take an adjournment?

Mr. Richards.— I think so.

The Chairman.— Before we adjourn, I would make one more call to see if there is anybody in the house who is subpoenaed.

Mr. Richards.— Is there anybody here under subpoena?

(No response.)

The Chairman.— Mr. Richards, have you found anybody to answer?

Mr. Richards.— I have not.

(The Committee waited from 12.18 until 12.21 P. M.)

Mr. Richards.— Mr. Gottelf is here.

Charles Gottelf was called as a witness and being duly sworn, testified as follows:

Examination by Mr. Richards:

Q. Where do you reside? A. 192 Washington avenue, Brooklyn.

Q. What is your business? A. Flag manufacturer; President of the American Flag Company.

Q. At what address? A. 45 and 47 Elizabeth street.

Q. Do you know Governor Sulzer? A. I do.

Q. You know him pretty well? A. I do.

Q. Did you make a contribution to his campaign? A. No, sir.

Q. Either by check or in cash? A. No, sir.

Q. Did you receive a letter from him a short time ago asking you not to give any information with regard to contributions?
A. No, sir.

Q. Do you remember this gentleman coming to see you?
(Indicating) A. I do, sir.

Q. Do you remember your telling him you had a letter in
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your pocket which you had just received from the Governor and you thought you better tear it up? A. I don't remember that.

Q. Do you say you did not say that to him? A. That was personal business between the Governor and I.

Q. We are inquiring into the personal business between the Governor and you, and I want to have you answer the question.

A. I refuse to answer that question because that is private business between the Governor and myself.

Q. What is private business between the Governor and yourself? A. Friendship.

Q. Friendship. A. Friendship that existed for some years.

Q. Did you or did you not say to this gentleman that you had just received a letter from the Governor and that if he was looking for information about campaign contributions you had better destroy that letter? A. I didn't.

Q. Now did you say that or didn't you? A. I didn't.

Q. Didn't you say that you didn't remember? A. I say I did not destroy that letter.

Mr. Richards.—Please return to his testimony, the part that says he didn't remember.

(The stenographer repeated the testimony as follows:

“Q. Do you remember this gentleman coming to see you?

(Indicating) A. I do sir.

“Q. Do you remember your telling him you had a letter in your pocket which you had just received from the Governor and you thought you better tear it up? A. I don't remember that.”

Q. Which is true? You have sworn both ways, that you did not remember and that you say it was not done? A. No, I don't remember. I don't remember, and I certainly did not say I would tear it up, because there was no reason for tearing up that letter to produce. I haven't had it.

Q. When did you receive that letter, what was the date of that letter? A. I could not tell you. I think it is three or four weeks prior to —

Q. Didn't you tell this gentleman that you received on or about the 28th or 29th of July a letter? A. I didn't.

Q. Didn't you get a letter from the Governor about the 28th or 29th of July? A. I don't remember what date it was.

Q. Have you got the letter? A. No, sir.

Q. What did you do with the letter? A. I may find it if I look for it.

Q. Did you destroy it? A. Perhaps I did.

Q. You have been served with a subpoena in this case? A. Yes.

Q. Please produce it. A. (Producing subpoena) The subpoena didn't say anything, only about the check.

Q. I will read it to you. You were subpoenaed to produce (reading "certain canceled check paid by you or for your account during the month of October or November 1912, to the order of William Sulzer or any other person for the account of William Sulzer." A. Yes.

Q. (Reading) "Also copy of a letter written to William Sulzer or such other person, transmitting such check; a letter written by William Sulzer or such other person, acknowledging receipt; and any letter or communication in writing received by you from William Sulzer or any other person on his behalf relating to such check or a request to refuse information." Didn't that subpoena notify you to produce such letter? A. I have no such letter to produce. I haven't had it.

By the Chairman:

Q. Is the letter destroyed? A. I believe it is.

Q. Are you sure? A. Yes, I am quite sure, but I have other letters —

Q. No, no — A. That I could pick up if I wanted to —

Q. No, no — A. I didn't keep these letters.

Q. Did you destroy this letter mentioned? A. I think I did.

Q. You did? A. Yes.

Q. Well, let us have it clear; did you or did you not? A. I believe I did. I will look it up, look up all the letters, all I have. If you desire me to do that I will do it.

Q. Will you do that? A. I will.

Q. Now, will you try — A. But I believe I destroyed a number of letters from him. I have been corresponding with the Governor for nigh on to 20 years.

Q. That is not what we want at all, but the question is, have you destroyed this particular letter? A. I believe I did, yes, sir.

Q. The counsel to the Committee desires information, to which he refers.

A. In which he refers to — nothing in that letter outside of a letter of introduction I wanted for somebody. That is all that is in there. No news or anything in that letter. That is why I believe I destroyed it.

Q. We agree with you, but only just so as to satisfy counsel, will you kindly look that up. He has an idea of his own about it. A. In the meantime I will tell you what was in that letter, nothing more than an introduction to a friend of mine.

Q. An introduction to a friend of yours? A. That is all that was in that letter; nothing of importance of any kind, and for that reason I destroyed it.

Q. So the Committee can be clear, are you president of a concern? A. I am, sir.

Q. Did that concern contribute? A. What is that?

Q. Did your concern contribute as a concern, as a corporation? A. No, sir.

Q. They did not give any money? A. No, sir.

Q. No other officer gave any money? A. No, sir.

Q. Will you try and go back and see, as you believe you only destroyed that letter, will you bring it here? A. I am inclined to believe I destroyed it because the letter was of little importance. If it had been important I would have kept the letter, but I have other letters from the Governor, which will refer to it, I will say.

Q. You have other letters referring to it? A. A number of letters with the Governor from years back, our friendly relationship.

Q. How many years back? A. I couldn't tell you.

Q. You have a great many letters from Governor Sulzer? A. I have a great many, but I only keep important ones.

Q. But this particular letter which this gentleman claims you had; you have destroyed that? A. Yes, sir.

Q. You have destroyed that? A. That was simply an introduction to —

Q. A friend of yours? A. That was a letter of introduction, in other words, that was a letter saying "Mr. G., I enclose a letter of introduction."

Q. Now, you only believe you destroyed that letter. Will you go back and search your papers to see if you erred in your statement? A. I will do that, sure.

Q. You will do that? A. Yes, sir.

By Mr. Richards:

Q. Mr. Gottelf, do you keep a bank account? A. I do, yes, sir.

Q. Will you produce your canceled checks and stubs of your check book for October and November, 1912, here to-morrow? A. Well, I will have to consult my attorney about it.

Q. I don't desire to look into your personal transactions. A. But that is my personal transaction.

Q. But I want to verify your statement that you have not contributed or paid any money to William Sulzer or any one for his account, either by check or cash. You understand that is what you are swearing to? A. Yes, I do.

Q. You understand? A. Positively.

Q. Are you willing to verify that statement by bringing your canceled checks here? A. Not until I consult my attorney on the subject.

Q. Do you desire to consult your attorney on any other matter? You are willing to look into this matter? A. Yes. If I can find it you can have it. If not I cannot produce it, that is all, but I have other letters that relate.

Now, there is one thing I want to say.

The Chairman.—Anything you want to say, Mr. Gottelf, go right along.

The Witness.—Anything in relation to this contribution point, — I did not contribute anything but I probably spent some money of my own accord.

By the Chairman:

Q. That is a privilege you have, the same as any other citizen.

A. Well, on his account, I may have gone out and done a lot of things I have paid for.

Q. That you have a right to. A. I have a right to do that?

Q. Yes. A. Well, that is all I know. If you want me to tell you that, I have done that. I have done things for Governor Sulzer and others that nobody knew anything about, and paid for it.

By Mr. Richards:

Q. I don't yet understand how it is that after this talk with this gentleman here, that having kept a number of other letters running back a long period of years, that you should destroy that particular letter. A. I don't say, Mr. Counsel, that I have kept every letter. I have destroyed the biggest part of them except some that were important to me. I wouldn't keep every letter that comes to me. If they are not important enough to file, why, I destroy them, and I did the same thing with this.

Q. Since you have thought the matter over and refreshed your recollection, didn't you say to this gentleman (indicating) that

you had a letter you got on the 28th or 29th of July and if this matter of contributions was coming up that you thought you better destroy it? A. I did not.

Q. You didn't say that? A. I didn't.

Q. But you did destroy the letter? A. I didn't say anything of the kind.

Q. You did destroy the letter? A. I believe I did, yes, sir.

Mr. Richards.— That is all.

The Chairman.— That is all. You will look for that letter?

Mr. Gottelf.— I will and look for it, yes.

(Witness excused.)

Mr. Richards.— Is Mr. Peter Doelger or his representative here?

(No response.)

The Chairman.— Have you any report?

Mr. Richards.— No report from Mr. Doelger.

The Chairman.— If you have no further witnesses to-day the Committee will adjourn until to-morrow at 12:15 P. M.

(Whereupon at 12:32 P. M. the Committee adjourned to July 8, 1913, at 12:15 P. M.)

(At 12:36 P. M. the Committee was called back by the Chairman, on the arrival of Mr. Doelger's representative.)

Henry C. Keckheisen was called as a witness and, being duly sworn, testified as follows:

Examination by Mr. Richards:

Q. You come from Peter Doelger? A. Yes, sir.

Q. In response to a subpoena served on Mr. Doelger to produce a certain check or letters? A. Yes, sir.

Q. Have you done so? A. I have.

Q. Will you please produce them? A. (Witness produces papers.)

Q. You produce a check signed "Peter Doelger. Charles P. Doelger, Attorney." Dated October 14th, to the "Order of William Sulzer," for \$250, do you not? A. I do, sir.

Mr. Richards.— I offer that in evidence.

(The check was received in evidence and marked Exhibit 55 of this date.)

Mr. Richards.— I read the check (reading):

“ Peter Doelger Lager Beer Brewery. Bottling Department.
“ 7375. NEW YORK, Oct. 14, 1912.

“ Pay to the order of William Sulzer Two hundred and fifty and 00/100 dollars. \$250.00.

“ To the Yorkville Bank of New York.

“ PETER DOELGER,

“ CHARLES P. DOELGER.”

October 14, 1912, the date of this check, is the same date as the Schiff check.

Endorsed with a stamp, “ Wm. Sulzer. L. A. Sarecky. Pay to the order of the National Bank of Commerce. Oct. 19, 1912. Mutual Alliance Trust Company of New York, 35 Wall Street.”

Then, a receipt for payment by the Bank of Commerce.

I call the attention of the Committee to the fact that this, like the other checks that we have put in evidence, which were not reported, were made and paid before Governor Sulzer went away on his trip campaigning.

I also offer in evidence a voucher which I will not read — yes, I will read it and have both marked, the letter and voucher together accompanying the check. Please mark them.

(The letter and voucher were received and marked Exhibit 56 of this date.)

Mr. Richards.— I will read first the voucher (reading):

“ Peter Doelger First Prize Lager Beer Brewery, 55th Street to 56th Street and 1st Avenue, New York.

“ To Wm. Sulzer Care of Charles Stadler, A. M. Co., 63d Street and East River.

“ Dated, October 14, 1912.

“ For bill attached, campaign contribution.”

Then, underneath (reading):

“ Check mailed to Mr. Stadler. No receipt necessary.”

Q. What is the name? A. To which do you refer?

Q. This name under “ No receipt necessary.” Somebody signed it. A. That is probably the cashier’s initials, J. M. G., by order of.

Q. J. M. G., by order of P. D. Jr. Peter Doelger, Jr. Attached to it is a letter (reading):

“ Charles A. Stadler, Foot of 63d Street and East River.

“ NEW YORK, *October 15, 1912.*

“ PETER DOELGER, Jr., Esq., 55th Street and 1st Avenue,
New York:

DEAR FRIEND.—Your check to the order of Mr. William Sulzer for \$250 was received this morning, and I shall be very glad to hand it to Mr. Sulzer to-day.

“Thanking you in his behalf, I am

“Very sincerely yours,

“CHARLES A. STADLER.”

Q. Do you know who Mr. Stadler is? A. Yes, sir.

Q. What is his relation to the brewery, if any? A. None.

Q. None at all. Is he a friend of Mr. Doelger's? A. Yes.

Q. What is his business? A. I believe he is connected with the American Malting Company.

Q. American Malting Company. That is evidently the A. M. Co., 63d street and East River. A. Yes, sir.

Q. Do you know whether or not Mr. Stadler — you must know something about the nature of that business — has any connection with Mr. Simon Ulmann, who is in the hop business at 17 Battery Place, whether Mr. Simon Ulmann is connected with that concern? A. I don't.

The Chairman.—Mr. Richards, you will have Mr. Horgan give a receipt to this gentleman for that check.

Mr. Richards.—Yes.

The Witness.—Check, voucher and letter.

(Witness excused.)

(Adjourned to August 8, 1913, at 12:15 P. M.)

COUNCIL CHAMBER, CITY HALL,

NEW YORK, *August 8, 1913.*

Pursuant to adjournment, the Committee met at 12:15 o'clock
P. M.

Present:

For the Senate.

Hon. James J. Frawley, *Chairman,*

Hon. Felix J. Sanner,

Hon. Samuel P. Ramsperger.

For the Assembly.

Hon. Myron T. Smith.

Appearances:

Eugene Lamb Richards, Esq., Counsel to the Committee.

Matthew T. Horgan, Esq., Secretary.

The Chairman.—Are you ready, Mr. Richards?

Mr. Richards.—Yes.

The Chairman.—Gentlemen, please come to order.

Lyman A. Spalding, a witness called by the Committee, having been first duly sworn by the Chairman, testified as follows:

The Chairman.—What is your name, please?

The Witness.—Lyman H. Spalding.

Mr. Richards.—Will you try and get order, Mr. Chairman, we can't hear in the chamber at all.

The Chairman.—Now, you will kindly remain quiet, gentlemen, so that the questions can be heard by counsel, the newspapermen and yourselves. Now, if you won't keep quiet we will have to ask the proper authorities to direct you to leave the Chamber.

Examination by Mr. Richards:

Q. Mr. Spalding, where do you live? A. 80 East Washington Square, New York City, Borough of Manhattan.

Q. Are you a lawyer by profession? A. I am.

Q. Did you make a contribution to Governor Sulzer's campaign fund? A. I did.

Q. Did you make it by check? A. By check.

Q. Will you produce it please? A. I will.

(Witness produces check.)

Q. How did you transmit that—

Mr. Richards.—Just wait a minute.

Q. This is the paper that you produced as the check? A. Yes, sir.

Mr. Richards.—Will you mark that please, Mr. Stenographer.

The check was received in evidence and marked Exhibit 57 of this date.

Q. If you remember, how did you transmit that check? A. That check was delivered by me to one of my friends, at the Manhattan Club, to be delivered to Mr. Sulzer.

Q. Yes? A. And I subsequently learned that it had been delivered to him.

Q. Did you get any letter of acknowledgment? A. I received no letter of acknowledgment of any kind.

Q. Who was the friend that handed it to you? A. Well, my best recollection is that it was Judge Lewis J. Conlon, but if he said that it was somebody else in the same party, I would not dispute him.

Q. It is a party that was contributing or giving money for this purpose here at the club? A. Yes, there were a number of gentlemen there at the club.

Mr. Richards.—I will read Exhibit 5. (Reading) "No. blank. New York, October 10th, 1912. Fulton Trust Company of New York, Pay to the order of William Sulzer \$100 (\$100) William A. Spalding." And then on the face of the check (reading) "Certified or accepted by the Fulton Trust Company," with the usual certification mark. On the back in handwriting—and I say that it is pretty clear that it is the handwriting of William Sulzer himself "William Sulzer." And then, "Manhattan Club, received payment, New York Clearing House, October 17, 1912, Second Teller."

Q. You have no other documents or letters or anything relating to this check? A. No. I think there is another indorsement on there that you have omitted.

Q. I couldn't see that. A. Boyer, Griswold & Company.

Mr. Richards.— The witness calls my attention to an indorsement that escaped my notice, which I thought ought to be on the check, and it is on the check. (Reading) "Pay to the order of the Manhattan Company, New York, Boyer, Griswold & Company." And then the stamp of the Manhattan Company.

Q. That is all that you have. Will you let the Committee have this, and we will give you a receipt, Mr. Spalding? A. I will.

Mr. Richards.— Thank you very much. That is all.

The Chairman.— Thank you, Mr. Spalding. The Secretary will give you a receipt.

Mr. Richards.— Is Mr. Mammert here, from Mr. Theodore W. Myers' office?

Arthur Mammert, a witness recalled for further examination, testified as follows:

Examination by Mr. Richards:

Q. Mr. Mammert, you have sworn before, yesterday, I think? A. Yes, sir.

Q. And you were questioned with regard to certain checks of Theodore W. Myers? A. Yes.

Q. At my request this morning have you produced a check for \$1,000? A. Yes.

(Witness produces check.)

Q. A check for \$1,000 dated about the 16th day of October and subsequently deposited in the Bank of the Manhattan Company; have you produced such a check? A. I have such a check, October 10th.

Q. October 10th, yes. A. Yes.

Q. Is that check signed by Mr. Myers himself? A. Yes, sir.

Q. You do not know anything about its delivery? A. No.

Q. You just find it among his papers? A. Yes, sir.

Mr. Richards.— I offer that in evidence.

Received in evidence and marked Exhibit 58, August 8, 1913.

Q. You have not correspondence or letters or anything relating to this check or any other matter between Mr. Myers and Governor Sulzer? A. No, sir.

Q. This reads No. 10550, New York, October 10, 1912, to the

Farmer's Loan and Trust Company, pay to the order of bearer one thousand dollars, no dollars, one thousand dollars, Theodore W. Myers, and that was accepted or certified by the Farmers Loan and Trust Company. It is endorsed pay to the Bank of the Manhattan Company, Boyer, Griswold & Company. It is very indistinct. That was deposited in the Manhattan Company Bank on October 16th, and I will say this, that the check of Mr. Spalding was deposited on October 16th in the Bank of the Manhattan Company.

Mr. Richards.— Is that all, Mr. Mammert? We will give you a receipt for this. Is the Frank V. Strauss Company here?

Richard M. Huber, a witness being duly sworn, testified as follows:

Examination by Mr. Richards:

Q. What is your name, sir? A. Richard M. Huber.

Q. And you live here in New York? A. Yes, sir.

Q. And you are employed by the Frank V. Strauss Company? A. Yes, sir.

Q. In what capacity, how are you connected with them? A. Secretary of the company.

Q. Secretary of the company? A. Yes, sir.

Q. Have you been subpoenaed to produce a check of the Frank V. Strauss Company for \$1,000. A. Yes, sir.

Q. To the order of William Sulzer or anyone for him? A. Yes, sir.

Q. Have you made a search for such a check? A. Yes, sir.

Q. Have you found such a check? A. No, sir.

Q. Where is Mr. Strauss himself? A. Mr. Strauss is somewhere in Germany.

Q. How many bank accounts has that company got? A. Two.

Q. Have you made a search of the canceled checks of both accounts? A. Yes, sir.

Q. I call your attention to the date of October 16, 1912, a check from the Frank V. Strauss Company for \$1,000. I want to know if you found any sign of that; have you found any sign of that check? A. No, sir.

Q. I do not mean on that day? A. No check to William Sulzer.

Q. I am not talking about that; to anyone on that date; a check to bearer or any other person? A. No, no check to bearer.

Q. Or to Mrs. Sulzer? A. No check to Mrs. Sulzer.

Q. I want to get at what you found with reference to a \$1,000 check on that date, October 16th, what did you find? A. I found nothing.

Q. You did not find anything? A. That would lead to that.

Q. What do you mean? That would not lead to that; did you find a check for \$1,000 made by Frank V. Strauss Company to somebody's order about that date? A. No, sir.

Q. You did not find that? A. No, sir.

Q. You stated, did you not, to me, before the hearing, that you did not want to produce any such check? A. I could not have produced any such check.

Q. Did not you state that you did not want to produce it if you did find it? A. Not until I had a chance to communicate with Mr. Frank Strauss.

Q. And whether you have got it or have not got it you do not want to produce that check until you hear from Mr. Frank V. Strauss? A. Exactly.

Q. Where is Mr. Frank V. Strauss? A. Somewhere in Germany.

Q. Have you communicated with him since you were served yesterday? A. I cabled him last night at the last address I knew of.

Mr. Richards.— I think, if the Chairman please, that the witness should be directed to make a search for this. Of course we do not want to press him in the absence of Mr. Strauss, who, of course, is the head of the firm, but I think he should be directed to make a search for a check for \$1,000 sometime before the 16th of October, 1912, and undoubtedly during that month, which was subsequently endorsed with this stamp: "Pay to the order of Boyer, Griswold & Company," and deposited in the Bank of Manhattan Company, and probably certified. I want to have the witness directed to make a search for that check, and in the meanwhile if he has an opportunity, if he hears from Mr. Strauss, I will ask him to bring that check here.

The Chairman.— Will you do that?

The Witness.— Yes, sir.

The Chairman.— He says he will do that, Mr. Richards.

Mr. Richards.— That is all.

Mr. Richards.— Mr. Reynolds, will you take the stand, please?

Charles A Reynolds, called as a witness and being duly sworn, testified as follows:

Examination by Mr. Richards:

Q. Mr. Reynolds, where do you reside? A. Brooklyn.

Q. What is your business? A. I am a cashier.

Q. Are you connected with any brokerage firm now? A. No, sir.

Q. Were you connected with the brokerage firm of Boyer, Griswold & Company, in October of last year? A. I was.

Q. And what was your position there? A. Cashier.

Q. Did you have charge of the books of the concern and the payments for stock and deliveries of stock generally? A. Yes, sir.

Q. In October, 1912, did you have some stock transactions with Mr. Frederick L. Colwell? A. Yes, sir.

Q. Did Mr. Colwell purchase stock for your firm? A. Yes, sir.

Q. Was that stock delivered to Mr. Colwell? A. To the best of my knowledge it was.

Q. Since yesterday, have you examined the old books of the concern and made a transcript from them from where they are in storage or in the old office? A. I did so, yesterday.

Q. I will show you a paper, and ask you whether or not that is true transcript of the account of Mr. Colwell? A. That is.

Q. The only account there is of Mr. Colwell? A. So far as I know.

Mr. Richards.— Mark that, please.

(Paper was received in evidence and marked Exhibit 59 of this date.)

Q. That relates to the purchase and delivery of the stock? A. Yes, sir.

Q. I also want to know whether you have made a transcript of the payment of the stock and the consideration which was received that stock from the books? A. Yes.

Q. Is the paper that I show you a transcript of that? A. Yes.

Q. A true transcript is that right? A. Yes.

Mr. Richards.— Mark that, please.

(The paper was received in evidence and marked exhibit 60 of this date.)

Mr. Richards.— I will exhibit 59 first (Reading) “Debtor, F. L. Colwell, in current account with Boyer & Griswold on the debit side under date of 1912, October 16th, 200 shares C. C. C. & St. L. Price 60, total amount \$12,025. On the other side date October 16th, on the credit side, 200 shares, C. C. C. & St. L. delivered \$12,025.

Q. Was that stock bought and delivered the same day? A. It was.

Q. It was a cash transaction as you call it? A. A cash transaction.

Mr. Richards.— I now read the rest of the transcript, which shows how this was paid for. It was paid for by one check, eight checks and a large amount of currency. The first check is a check by William Sulzer for \$900; the second check is the one by Theodore Myers for \$1,000.

Q. Right there, you have got that Theodore W. Alpers. You would not be sure that is spelled that way on the book? A. No, it was taken from the check.

Q. It was? A. Yes.

Q. And it may have been Theodore W. Myers? A. Yes.

Mr. Richards.— I don't want to read it Theodore W. Myers, although I am convinced it was.

Q. You would not be sure Alpers was written there, didn't you Myers, the “ers” being the same? A. I would not say—

Q. I show you exhibit 58, and ask you whether you recognize the check, and see whether or not that is not the very check that is referred to on your transcript. Look at the signature. A. I would not recognize the check, but I recognized the indorsement of Boyer, Griswold & Company.

Q. That is your own indorsement by your rubber stamp? A. Regular rubber stamp.

Q. And deposited in the Manhattan Company on the 16th of October, 1912? A. That is right.

Q. I ask you to look at the signature and see whether or not you could not have mistaken Myers for Alpers? A. That is possible.

Mr. Richards.—The next check John Lyon, \$500. Have you got that John Lyon check?

(Mr. Horgan produces check.)

Mr. Richards.— Spelled here L-y-o-n. It is spelled that way on the transcript.

Q. I ask you to look at the check dated October 10th, and bearing the firm's stamp and the payment by the Manhattan Company and see if that is not the check referred to as the third check on this list? A. I should say that it was.

Q. You have no doubt about it? A. No.

Mr. Richards.— The witness refers to Exhibit 48, check of John Lyon.

Q. The fourth check is Lyman A. Spalding? A. \$100.

The next check is Edward F. O'Dwyer, \$100.

The next check is John W. Cox, \$300.

The next check is Frank V. Strauss & Company, \$1,000.

The last check is John T. Dooling, \$1,000.

Making a total of checks of \$4,900. The balance of the consideration was \$7,125 in currency, making a total of \$12,025, which corresponds to the statement of the purchase on the stock book, the exact amount.

I also call the attention of the Committee before proceeding further, to the fact that on William Sulzer's personal account in the Farmers Loan & Trust Company under date of October 16, his account is debited with a check drawn on October 16th, for the sum of \$900, the exact amount on the transcript of Boyer, Griswold & Company. It further appears that this stock was bought from Jewett Brothers and the certificates are numbered as follows: C.18866, and 25,884. That is all, Mr. Reynolds. I am much obliged to you.

(Witness excused.)

Mr. Richards.— Mr. John T. Dooling here? (No response.)

Mr. Richards.— I have subpoenaed Mr. Dooling to produce a check for \$1,000 about that date. He has not arrived.

Mr. Sutton here?

Effingham E. Sutton, called as a witness, and being duly sworn, testified as follows:

Examination by Mr. Richards:

Q. Where do you live, Mr. Sutton? A. Pleasantville, New York.

Q. Have you been at any time connected with the firm of Fuller & Gray, bankers and brokers? A. I have.

Q. When did that connection begin? A. June 1, 1912.

Q. Were you in their employ in 1912? A. I was.

Q. Do you remember in connection with the firm of Fuller & Gray an account known as No. 500? A. I do.

Q. What did you know first in connection with that account? A. Mr. Gray.

Q. And then did Mr. Colwell have charge of it? A. No, Mr. Gray took charge of it.

Q. Mr. Gray took charge of it. Did Mr. Colwell speak in connection with it? A. Well, not until on or about April 12th.

Q. About 13th of April? A. Yes.

Q. Do you remember purchasing stock for that account for 200 shares of Big Four? A. I do.

Q. Do you remember being telephoned for to come and get the stock? A. Yes.

Q. Were you on the telephone when the message was received? A. I was.

Q. Where did that telephone message come from, as far as you know? A. I believe it came from New York.

Q. You were in Yonkers? A. No, I was in the Brooklyn office.

Q. In the Brooklyn office. Who was there? A. Joseph L. Herrick, he was cashier.

Q. How about Mr. Coe? A. He was not there.

Q. I am not talking of the April transaction, I am talking of the October transaction? A. Mr. Coe was not there, he was in Yonkers, I think.

Q. Did you telephone to Mr. Coe? A. No.

Q. Didn't you have something to do with getting Mr. Coe to go up and deliver it? A. I remember you told me something yesterday? A. I received a telephone message from Mr. Gray to be prepared to deliver 200 shares of Big Four by a quarter after three. It had to be over in New York at that time. Previous to that time the stock had been carried on margin for about two weeks I imagine, and I sent one of the clerks to Harris & Fuller, Harris & Fuller at that time cleared our stock, and Harris & Fuller delivered 200 shares of Big Four for us, and I made out the receipt for 200 Big Four, and Mr. Coe previous to this had — I don't exactly know what amount — Mr. Fuller stated it right, as I remember.

Q. How much? A. I think it was about \$8,000.

Q. Deposited that? A. With the exception of \$14.

Q. Who signed that receipt for the stock? A. Mr. F. A. Coe.

Q. Did you afterwards have a talk with Mr. Coe as to what he did with that stock? A. Several months later, yes.

Q. What did he say as to the delivery of the stock, the stock he delivered? A. After he found out I knew who the account was for, he told me he had delivered it to Mr. Sulzer's office.

Q. You knew at the time that this account 500 was there in the office that this was Mr. Sulzer's account, did you not. A. Not at the time the stock was delivered.

Q. Not after, but you learned it? A. I learned it, yes.

Q. How did it come to get the name of 500? A. I gave it myself I guess.

Q. You have one or two accounts that don't have the customer's name on? A. Yes.

Q. And this was one requested not to have the customer's name on, and you were there, and somebody suggested that you give it a number, and you gave it 500? A. No, Mr. Gray previous to that said he intended to open a new account, and he suggested a number, and I said 500. That is all.

Q. How did you find out that was William Sulzer's account? A. Mr. Gray informed me. He was rather proud of the fact and he informed me a couple of minutes later.

Q. Mr. Gray, a member of the firm, made the statement to you that it was Mr. Sulzer's account? A. Yes.

Mr. Richards.— That is all.

(Witness excused.)

Mr. Richards.— Is Mr. Coe here?

Frederick Coe, a witness called by the Committee having been first duly sworn by the Chairman, testified as follows:

Examination by Mr. Richards:

Q. Mr. Coe, where do you live? A. Yonkers.

Q. You will have to speak louder. There is so much noise here.

The Witness.— 406 North Broadway, Yonkers.

Q. Are you connected with the firm of Fuller & Gray? A. I am in their employ.

Q. And have been connected with them for some time? A. Since they started business.

Q. Were you connected with them in any capacity in October, 1912? A. Yes.

Q. What was your position? A. Why, it is in a branch office in Yonkers, I do a little of everything.

Q. You were practically in charge of the branch office? A. No, sir, Mr. Hart is the manager.

Q. What would you call your position? A. Well, assistant, there are only two of us there, Mr. Hart and myself and the board boy.

Senator Ramsperger.— We can't hear.

The Witness.— I say there are only two of us there; Mr. Hart, the manager, and myself, besides the board boy.

Q. Mr. Hart, the manager, and the board boy? A. And myself.

Q. And yourself. Do you remember being telephoned for to go and get and deliver or get some — to get 200 shares of Big Four in October, 1912? A. I do.

Q. Do you remember going and getting it? A. I do.

Q. Where did you go to get it? A. I went to 200 Montague street, Brooklyn office.

Q. Was Mr. Sutton, the last witness — was he located there? A. He was there.

Q. He was there and made out the receipt for you to sign?

A. If I remember right, I did.

Q. And you signed it? A. I signed it.

Q. And what did you — what instructions did you get as to where you were to deliver the stock? A. I was to meet Mr. Frederick Colwell in the Temple Bar building and deliver it to him.

Q. You were to meet Mr. Frederick Colwell in the Temple Bar building? A. In Brooklyn, in the Nassau Bank.

Q. In the Nassau Bank? A. Yes, sir.

Q. And did you do that? A. I did.

Q. Did you turn this 200 shares over to him? A. I did.

Q. Did you take a receipt from him? A. He either gave me a receipt then or the day after, yes.

Q. Is that receipt in your office? A. No, sir.

Q. What has become of it? A. I don't know. Well, Fuller & Gray have it, of course.

Q. I wasn't referring to your particular office? A. I don't know.

Q. I supposed it was in your New York office? A. I don't know.

Q. Before this time had you known anything about this account? A. No, sir.

Q. Had you had anything to do with it in the way of deposits being made on it? A. No, sir, not that I remember; I don't remember.

Q. You remember what the account was, how was it numbered, how it was numbered, don't you? A. I do not.

Q. You don't remember that? A. No, sir.

Q. Your transaction was simply, when you were telephoned for, was to go and get this stock? A. Yes, sir.

Q. And who directed you to deliver it to Mr. Colwell? A. Well, that is what I can't positively remember.

Q. Where did that direction come from? A. It came by telephone, either from Brooklyn or New York; I don't remember which.

Q. And when you arrived at Brooklyn, you found Mr. Sutton there, and he made out this receipt which you signed? A. If he did; I don't remember whether he made it out; I signed the receipt.

Q. But you signed a receipt? A. Yes.

Q. Do you know anything about, by way of any statement afterwards or at any time, what Mr. Colwell did with that stock? A. I do not.

Q. You don't know anything about it? A. No.

Q. Your connection with it ceased? A. Yes.

Q. Didn't you say anything to Mr. Sutton about delivering it to Mr. Sulzer or to Mr. Sulzer's office? A. No, sir; I never heard of Mr. Sulzer's name except in connection with the Governorship at the time.

Q. Afterwards? A. I don't know.

Q. He doesn't mean that you spoke of it when you came back, but later? A. No.

Mr. Richards.— That is all.

Examination by the Chairman:

Q. Mr. Coe, how long before this transaction had you known Mr. Colwell? A. Oh, not very long; a few weeks; or maybe a month; I don't know; I probably was introduced to him in the summer.

Q. In the summer? A. Yes, sir.

Q. And you met him at various times? A. Oh, once in a while he came into our office at Yonkers, but very seldom; he came in to telephone as much as anything.

Q. Well, the reason that you were designated to deliver the stock to Mr. Colwell was on account of your acquaintance with him and knowing him? A. I knew him personally and I was to meet him in the Nassau Bank. I knew Mr. Colwell then.

The Chairman.— That is all.

Mr. Richards.— That is all, thank you.

Assemblyman Yard.— Just a moment, Mr. Richards.

(Assemblyman Yard and the Chairman here engage in a consultation.)

Mr. Richards.— Just one thing more.

By Mr. Richards:

Q. Didn't Mr. Gray tell you that this was Mr. Sulzer's account?

A. He did not.

Mr. Richards.— That is all.

(Witness excused.)

Mr. Richards.— Is Mr. Colwell here?

(No response.)

Mr. Richards.— Is Mr. Colwell here.

(No response.)

Mr. Richards.— Won't you see if he is outside, because he has been here this morning, I think.

(The Sergeant-at-Arms retired from the room to get the attendance of Mr. Colwell.)

Mr. Richards.— Just a moment, Mr. Chairman, I want to see a witness a moment.

(Mr. Richards retired from the chamber and returned after a few minutes absence.)

Mr. Richards.— Did Judge Olcott come yet?

Mr. Olcott.— Right here, Mr. Richards.

Melville B. Fuller, a witness, recalled, for further examination, testified as follows:

Mr. Olcott.—If your Honor please, before Mr. Fuller is sworn —

The Chairman.—Mr. Fuller is already under oath.

Mr. Olcott.—I was not present at the hearing before. Before you proceed with his examination, through your own already expressed courtesy of the Commission, and that of Mr. Richards, I want to just say a word on the subject of his refusal to answer questions the other day, and the fact that he now presents himself ready to answer all the questions which are asked him. His refusal the other day was based upon the custom, which is to them a law and a moral right of brokers never to reveal any of their books so far as their customers' accounts are concerned. Since that we have had a conference with Governor Sulzer and his representatives, and the Governor agrees that without further contest, without any contest on his part, that Mr. Fuller's lips should be unsealed. Now, having that waiver from the customer, Mr. Fuller feels at liberty to answer your questions. I thank you for the privilege of this statement of his position in the matter.

Examination by Mr. Richards:

Q. Mr. Fuller, you were subpoenaed on Wednesday to produce certain books of account relating to the account of William Sulzer, either under that name or any other name or number in your firm? A. I was.

Q. And have you now produced those books? A. I have.

(Witness produces books.)

Q. Now, Mr. Fuller, what books have you produced in response to that subpoena? A. I have my letter books and a copy of Governor Sulzer's account.

Q. A transcript of his account? A. Yes, sir.

Q. Will you kindly produce that? A. Yes, sir.

Q. Is this here (indicating statement) Governor Sulzer's account, and was there an account for the year previous to 1912? A. This is a transcript. I understood you wanted from the first of January.

Q. I did. I only asked whether this is brought over from a prior date? A. Yes, sir, carried forward.

Q. Then on January 1st it was carried over? A. 1912.

Q. January 1, 1912, there was carried over what, according to that statement?

Mr. Richards.— I offer that statement in evidence.

(Received in evidence and marked exhibit No. 61, August 8, 1913.)

The Witness.— On January 1, 1912, Governor Sulzer had in our office 500 shares of C. C. C.; 200 shares of American Smelters; and 100 shares of So. Pacific.

Q. That is not C. C. C. C.? A. No, that is C. C. C.

Q. I just wanted to make sure, because we have had some C. C. C. C. that is the St Louis Stock? A. The same stock.

Q. The same stock as C. C. C. & St. L.? A. Cincinnati, Chicago, Cleveland & St Louis.

Q. Exactly. Now, what was the total value of those stocks on January 1, 1912? A. I could not tell you.

Q. What were they carried at? A. Do you want to know what that amounts to?

Q. Yes? A. What he owed us against them?

A. Yes? A. \$48,599.38.

The Chairman.— Order, please.

Q. Now, on the same side, that is the debtor's side of the account, certain interest charges have been charged up against his account? A. Yes, sir.

Q. And then, in this year, there were certain purchases and sales made, or purchases? A. This year?

Q. Yes? A. Yes.

Q. Will you state what the balance of that account shows in your own language; what that indicates in the way of purchases and sales up to the present time? A. The account shows that on December 5, 1912, 100 shares of C. C. C. were bought at 52. That is the only purchase during this period from January 1, 1912, down to date.

Q. Now, the credits. The credits of cash or its equivalent. Beginning in 1912 and coming down to the present time. In other words, what payments were made into your firm for the account of this, on account of margin or as security for these stocks? A. November 18, 1912, cash \$10,000. December 16, cash \$6,000. January 16, 1913, check from A. E. Spriggs \$5,000. Those are the cash credits.

Q. That is what I want. Were there any other dealings in stocks on that side of the account shown by the transcript? A. Yes, sir.

Q. Tell us what those were? A. The sale of 100 shares of So. Pacific on July 9, 1913, \$9,248.

Q. And you loaned him money in June, did you not? A. That is the same thing.

Q. Well, then, has this account since been closed? A. Yes, sir.

Q. When was it closed? A. July 15th, 1913.

Q. July 15, 1913? A. Yes.

Q. And what was his debit balance? What did he owe your concern before the account was closed; how much money did he owe you? A. After we deducted the \$9,248 which we received for the sale of the 100 shares of Southern Pacific he owed us \$26,739.21.

Q. Did he pay that and take up the stock that you are carrying for him? A. He did not, sir.

Q. Did someone for his account? A. Yes, sir.

Q. Who took them up and paid for them? A. Lieut. Commander L. M. Josephthal according to my books.

Q. What was the payment that Josephthal made to close up this account? A. \$26,739.21.

Q. What are the total transactions on either side of the account interest, loans, purchases, etc. There is a total on either side of the credit and debit account? A. The latest account.

Q. I mean these footings showing total. A. That does not show absolutely on this account.

Q. Is this the only account you had of William Sulzer? A. Yes, sir.

Q. And was this account carried with Governor Sulzer under his name? A. Yes, sir.

Q. Was not it changed to a number at one time? A. No, sir.

Q. It never had the number 63? A. No, sir.

Q. Had you got an account of No. 63? A. Not that I know of.

Q. Could you find that out by looking at your book, when you leave the stand will you look at your books and find out? A. I will find out for you in five minutes.

(The witness directs a clerk to telephone to his office and find out if their firm has an account known as Account No. 63.)

The Witness.—I am wrong about that No. 63. This is No. 63, the account of William Sulzer on my books.

Q. Was it generally known in the office as William Sulzer's account or was it known as Account No. 63? A. It was known in the office as William Sulzer's account.

Q. How does it come to have a number also? A. I could not explain that.

Q. Is not that rather unusual? A. It is often customary, if we want to carry on business for a man who does not want to be known in our office, that we give the account a number, and only the members of the firm know about it. But in this case as there is a number 63, on this account, and Mr. William Sulzer's name also, it appears that it was common property.

Q. You are pretty sure about that; you are clear that it was not changed from the name to a number in this year; that is what I want to get at? A. No.

Q. You are not sure when it was changed? A. My partner says no.

Q. There never was any change? A. No.

Q. It always has been William Sulzer and No. 63? A. And No. 63, and that appears in my book.

Q. Between the two of you can you explain how it is that the account has a name on it of a person who is responsible for it, why that should also have a number? A. My partner says that was so that when it was referred to it was referred to as No. 63 instead of the Governor Sulzer Account, so that everyone in the office would not hear it.

Q. That is what I want to get at. A. I am trying to explain it to you.

Q. I supposed that is why it was; so that your employees would not know about this particular account? A. I would not say that; the customers, the people outside.

Q. I see, the people generally; in view of his position this was given a number so that when it was discussed where anybody could hear — A. That's it.

Q. Referring to the two items on the credit side of this account can you or anybody else tell me whether or not the two items, November 18, 1912, and December 16, 1912, were currency? That is, whether it was a cash, a bills transaction, a transaction in bills? A. November 18, 1912, was cash bills. December 16, 1912, it was cash.

Q. Was there any other cash transaction on that side of the account, that is bills? A. No.

Q. Have you any letters or copies of letters from you to Governor Sulzer in regard to this account? A. I have.

Q. And letters by him to you? A. Yes.

Q. Will you kindly produce them? A. The letters written to the Governor I have here.

Q. The copies? A. There is a letter we received from the Governor which was not sent to Judge Olcott's office, but I have sent back for it.

Q. One of the original letters from him? A. Yes, sir. I have them here.

Q. When was that letter received? A. It is dated December 12, 1912.

Q. Please produce it? A. This is not from Governor Sulzer by the way, it is from his secretary.

Q. That is, September 12, 1912? A. September 12, 1912.

Q. You have a letter which was written to you to which this was an answer, will you just turn to that and see what that letter is. December 12, or just prior to December 12, 1912, just between election and inauguration.

(Witness examines letter book.)

A. I have it, sir.

The Chairman.—Mr. Richards, what enlightenment will the committee receive by this letter?

Mr. Richards.—With regard to advances for margin, the necessity for these various payments.

Q. Will you first read the copy of the letter that you wrote to Governor Sulzer? A. "December 11, 1912. Hon. William Sulzer, Washington, D. C. Dear Sir.—As you no doubt are aware, a panicky condition has existed in the market for the past few days. We would therefore appreciate a deposit from you. Thanking you in advance, we are, very truly yours, Harris & Fuller."

Q. And you received the letter I show you in reply, signed by his secretary, will you kindly read that? A. "Your letter to Congressman Sulzer just received. He will be glad to take the matter up with you when he comes to New York, the first of the week, believe me, very sincerely yours,—" I cannot read the writing of the signature. It is his secretary. I do not know what the name is.

Mr. Richards.—F. A. Sistner, Secretary.

Q. Shortly before this account was taken up there was a similar demand made for margins or something to cover this account?

A. Just before the account was taken up?

Q. Yes. When it went out of your office? A. Yes.

Q. Will you please turn to that letter or a copy of it. A. When the account was taken up?

Q. I think that letter was in June. I want to have you read those letters calling for more margin? A. July 9, 1913.

The Chairman.—Excuse me, Mr. Fuller, just a moment. Kindly retain better order there, please.

The Witness.—“June 9, 1913, Hon. William Sulzer, Executive Mansion, Albany, New York. Dear Sir.—We sent you a telegram last week stating that we would like to have an interview with you, but as yet have not received any reply. It is very important that we should get in communication with you immediately, and we would therefore thank you to advise us upon receipt of this letter where and when we can see you. Yours very truly, Harris & Fuller.”

Q. And there was a later letter? A. “June 11, 1913.

Hon. William Sulzer, Albany, N. Y., Dear Sir.—We have been endeavoring for a number of days to get in touch with you in reference to the condition of your account, it being very bad and weak—without any—there is something there, I cannot read that word—without any reply until this A. M., when we are advised that you would meet us on Saturday, June 14th, at the Waldorf, which arrangement is not at all satisfactory, owing to the freakish and uncertain condition of the market. We must insist upon immediate attention to this very important matter. Therefore we request a deposit of \$15,000 at once to bring your account up to the required margin. Failing to comply immediately with our demand we ask you to take up for transfer the account forthwith, as we would rather have you do that than compel us to sell you out. Your indifference necessitates our taking this method of calling your attention to what we believe is of vital interest to yourself. We are of the opinion that after you realize the importance of promptness you will immediately comply and oblige us with the amount we request. Hoping to hear from you either by wire or telephone immediately upon receipt of this communication, we are, yours truly, Harris & Fuller.”

Q. The result of this communication, was that finally something

over twenty-six odd thousand dollars was paid by Mr. Josephthal and the account taken up, is that right? A. It was something after, he gave us the money. There was a check of Sprigg, before the account was taken up.

Q. The first thing then was the check of Sprigg? A. Yes.

Q. Then one of these stocks was sold? A. Yes.

Q. And finally Josephthal took up the account? A. Yes.

Q. Closed it out on the 15th of July? A. That is right.

Q. Do you know anything about who A. E. Spriggs is? A. No, I do not.

Mr. Richards.—I think that is all.

The Chairman.—Thank you very much, Mr. Fuller.

Mr. Richards.—Is Mr. Colwell here?

(No response).

Mr. Richards.—Please call him on the outside.

Mr. Richards.—Mr. Chairman, Mr. Josephthal is in Europe and has been in Europe for some time. I believe he is expected back pretty soon.

The Chairman.—Mr. Colwell in the Chamber?

Mr. Horgan.—He is not outside.

The Chairman.—I ordered him to remain under subpoena.

Mr. Richards.—Is John T. Dooling here?

John T. Dooling, called as a witness being duly sworn, testified as follows:

Examination by Mr. Richards:

Q. Mr. Dooling, where do you live? A. 179 East 80th street.

Q. You are a lawyer in this city? A. I am.

Q.. You have been subpoenaed to produce a check for \$1,000, given about the 16th of October, which was subsequently deposited to the account of Boyer, Griswold & Company, and afterwards into the Bank of the Manhattan Company, have you produced that check? A. I don't know anything about such a check.

Q. You never saw such a check? A. I never saw a check with such endorsements, no, sir.

Q. Did you in October, 1912, give a check for \$1,000 to Governor Sulzer or anyone representing him? A. I decline to answer that question.

Q. Mr. Dooling, there was testimony here that on the books of the brokerage firm of Boyer, Griswold & Company a check passed through that firm's account signed by John T. Dooling for \$1,000. Do you know anything about such a check as that?

A. I never saw any endorsement on any check of mine bearing those names.

Q. I am not asking you about the endorsement; I am asking whether you have seen such a check? A. I don't recall ever seeing such a check.

Q. You don't recall ever having given such a check? A. I don't recall ever seeing such a check.

Q. I am asking you whether you recall having ever given such a check? A. I decline to answer any questions of that sort.

Mr. Richards.—I think the witness should answer this very plain question, which is necessarily involved in the evidence already given. I have no desire to put Mr. Dooling to any embarrassment, but here is evidence which shows clearly that a check either signed or coming from John T. Dooling went through the banks of this brokerage firm, and paid for stock which was handed to Mr. Colwell, and I think the Chairman should direct Mr. Dooling to give this information if he has, or if he has not got it, of course—

The Chairman.—Have you got the check in your possession, Mr. Dooling?

The Witness.—I have no such check.

Q. Will you search, Mr. Dooling, for it, and if so, send it to Mr. Richards?

The Witness.—I will be very glad to search.

Mr. Richards.—That is all then.

(Witness excused.)

Mr. Richards.—Now, is Mr. Colwell in the room?

(No response.)

Mr. Richards.—Is Mr. Colwell in the room?

(No response.)

Mr. Richards.—Well, Mr. Chairman, I have one more witness who won't be here until three o'clock, and I think we better take a recess.

The Chairman.—Until three o'clock to-day?

Mr. Richards.—Yes, Yes. Do you want to get away to-day, Mr. Chairman?

The Chairman.—Well, if you have something important for the Committee.

Mr. Richards.—Well, I think that it is a matter that we can take up at another hearing, possibly. It is of some importance. It is a new question of campaign contributions. But if the Chairman thinks we have done all that is necessary for him to do here, I will bow to the decision of the Chair.

The Chairman.—No, I don't want you to understand it that way, Mr. Richards. The Committee is here for a specific purpose, and if you have evidence to present to this Committee we are ready at any time and all times to hear you. As I understand, you desire to be heard to-morrow morning?

Mr. Richards.—To-morrow morning will be all right.

The Chairman.—At ten o'clock to-morrow morning?

Mr. Richards.—Make it 10:30.

The Chairman.—I beg your pardon. Just a moment.

(The Chairman and Mr. Horgan here went into consultation.)

The Chairman.—Mr. Richards.

Mr. Richards.—Yes, I am coming.

The Chairman.—If you will step here a moment, we may be able to fix it up.

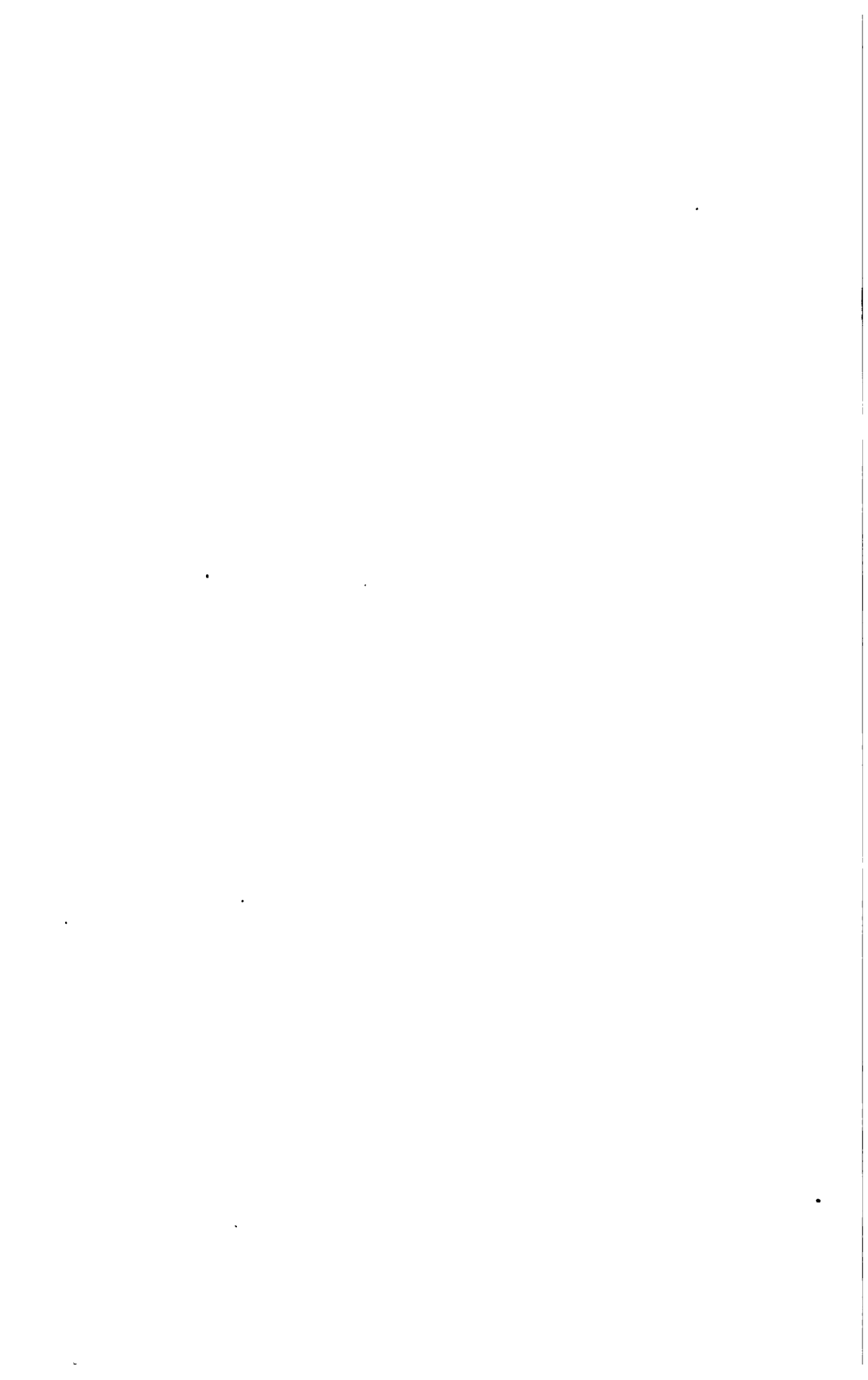
(Counsel and the members of the Committee here went into consultation.)

The Chairman.—This Committee will now stand adjourned until the call of the Chair. The matters which Mr. Richards has in mind will be taken up at a subsequent time; not to-morrow, there will be no session to-morrow. There will be no hearing to-morrow.

Mr. Richards.—There will be nothing more this week.

The Committee thereupon, at 1:50 o'clock p. m., adjourned subject to the call of the Chairman of the Committee.

Next Exhibit No. 62.



INDEX TO ASSEMBLY JOURNAL

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PLAN OF INDEX.

This Journal is indexed upon the following plan:

1. Every bill relating to a locality may be found indexed under the name of that locality and ordinarily will not be found indexed under the subject to which it relates.

2. All bills relating to Kings county will be found under the New York, General, and all bills relating to Greater New York under New York City, General, and New York City, Charter.

3. Every general bill will be found indexed under the proper subject.

4. Every resolution, excepting those recalling bills, will be found under "Resolutions."

5. Every bill relating to canals will be found under "Canals."

6. The bills relating to general laws under the proper heads, i. e., "Banking Law," "Benevolent Orders Law," "Conservation Law," "Lien Law," "Revised Statutes," &c., &c., also under the head "General Laws."

7. All claim bills under "Claims."

8. Bills relating to cities of either class under "Cities of 1st Class," "Cities of 2d Class," &c., &c.

9. All code amendments under the heads of "Code Civil," "Code Criminal," and "Code Penal."

10. All petitions under "Petitions," are reports under "Reports."

11. All points of order under "Points of Order."

12. All decisions and acts of Speaker under "Speaker."

13. Privileges of floor under "Privilege."

14. All matters not relating to bills under the proper head.

15. The numbers used in this index, viz.: "Int. No.," refers to Assembly bill and its introductory number, and when "Rec. No." is used, it refers to a Senate bill and its reception number.

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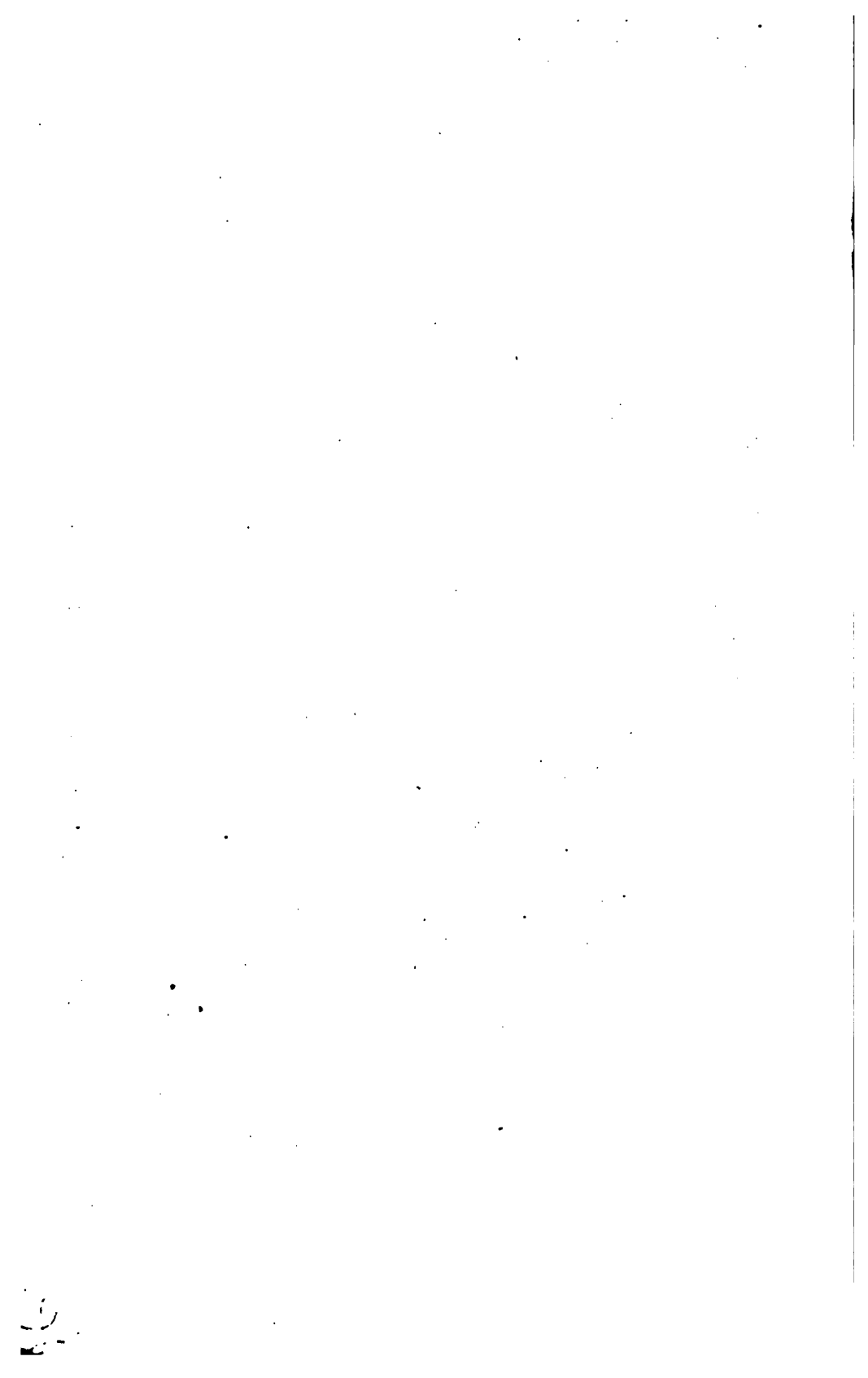
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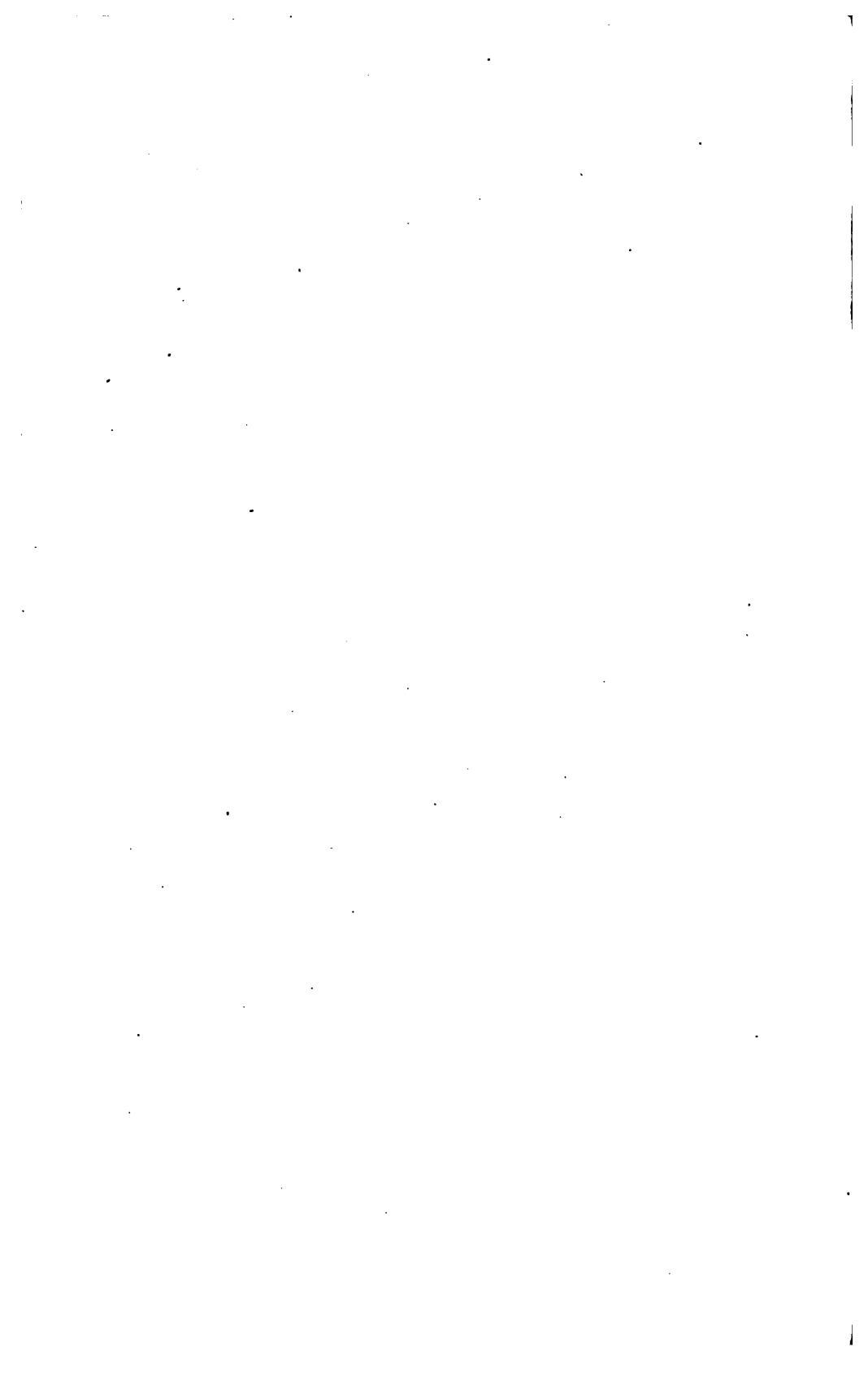
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